A

LETTER

TO THE

FREEHOLDERS OF MIDDLESEX,

&c. &c. &c.

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TO THE

FREEHOLDERS OF MIDDLESEX;

CONTAINING AN

EXAMINATION OF THE OBJECTIONS

MADE TO

THE RETURN

AT THE CLOSE OF THE LATE

MIDDLESEX ELECTION;

AND

REMARKS

ON THE

POLITICAL CHARACTER AND CONNEXIONS

OF

SIR FRANCIS BURDETT, BART.

BY AN ATTENTIVE OBSERVER.

SECOND EDITION.

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A

LETTER,

&c. &c.

GENTLEMEN,

THE extraordinary endeavours which have been made to persuade the public, that the conduct of the Sheriffs, at the close of the late Middlesex Election, was partial, and that Sir Francis Burdett was thereby illegally deprived of the return, will, I trust, justify my addressing you on this important subject. So successful indeed have those endeavours proved, and so ready are mankind to credit, without investigation, whatever is positively, strenuously, and frequently asserted, that great numbers are inclined to believe that something unfair took place on the above occasion, and that Sir Francis Burdett, whatever may be his merits in other respects, has, in this, some reason to complain of

injustice. A feeling having been thus excited in his favour, it has been improved to the utmost, and it has been made instrumental to excite, even in well-disposed minds, an indignation against the Sheriffs, although those officers have not yet had an opportunity of being heard in their defence.

Considering how desirable it obviously is for Sir Francis Burdett to divert the public attention from his own proceedings, during the last two Elections, by holding himself forth as an injured and oppressed man, it is remarkable that his complaints should have produced so extensive an effect, before their validity could be fairly examined. This is the more surprising, because those, who now so warmly espouse the interests of Sir Francis, did not appear to feel the least sympathy for Mr. Mainwaring senior, whose right to complain of injury and oppression has been solemnly recognized, upon full investigation, by very high authority. For a Committee of the House of Commons has decided, that the last-mentioned gentleman ought to have been returned at the former Election, and that he was deprived of his right, in this respect, by the partial and corrupt conduct of the Sheriffs, who " wilfully, knowingly, and corruptly," admitted "a colourable majority" to be obtained " in favour of Sir Francis Burdett ;" and " the obvious tendency" of whose " conduct was to admit persons having

no

no right to poll, and to afford the greatest encouragement to perjury."

It is plain that those who clamour about the injuries of Sir Francis Burdett, which have *not* been proved, and are indifferent to those of Mr. Mainwaring, which *have* been proved, are under the influence of some other feeling than a love of justice, or a solicitude for the rights of Election.

If the return made by the Sheriffs be not strictly legal; if it be in any respect open to objection or complaint; the law has provided an adequate remedy, and a Committee of the House of Commons will administer complete justice. And, at the worst, Sir Francis Burdett will not have to complain of any greater injury than he himself inflicted on Mr. Mainwaring, senior—that of being obliged to petition for a seat, when he was entitled to the return.

But as the effect of delusion is the more mischievous, and its removal the more difficult, the longer it is suffered to last, it is of considerable importance, without waiting for the result of a petition, to inquire whether there is any real ground for that clamour which has been raised against the return, made by the late Sheriffs of Middlesex? Such an inquiry is the object of this letter; in the course of which, it will be necessary to

notice the proceedings during the Election, as far as they are connected with the above question.

The objections urged against that return are—

That the Voters for Sir Francis Burdett were objected to by Mr. Mainwaring's agents captiously, frivolously, and sometimes, it has been said, indiscriminately: that, in consequence of such objections, many of those Voters had not an opportunity of substantiating their right of voting: that the Sheriffs promised that such of the reserved votes as could not be examined before three o'clock, on the last day, should be examined after the close of the Poll, and admitted, if found to be good: that although, at the close of the Poll, Mr. Mainwaring had a majority of five, yet as the Sheriffs, according to their promise, entered upon the examination of the reserved votes, and the result of such examination was to give Sir Francis Burdett a majority of one, upon the whole Poll, that candidate ought to have been returned; but that the Sheriffs, notwithstanding, made the return according to the Poll as it stood at three o'clock, and declared Mr. Mainwaring to be duly elected.

To these objections it is conceived that the following facts and observations will furnish a satisfactory answer.

The

The Poll continued open fifteen whole days; the first day five hours, and the other days seven hours each; a time most abundantly ample to poll the Freeholders resident in a county, the longest diameter of which does not exceed twenty-three miles. Indeed the sufficiency of this time, for the purpose of giving the Freeholders of Middlesex a competent opportunity of voting, will appear, if it be considered that, of 5651 persons, who polled during the Election, 1139 polled on the first day,—that is, in five hours; that of the whole time, consisting of 103 hours, not above ten or twelve hours were fully employed: and that, during the remainder, most of the Poll-Clerks, and sometimes all, were totally unoccupied.

These circumstances are sufficient to prove, that if any real Electors have lost an opportunity of polling, in consequence of their not appearing till the 15th day, their delay in not going sooner is the true cause of their not being counted upon the Poll.

Even the last day afforded ample opportunity of polling to a much larger number than those who presented themselves, as will appear upon a comparison of the number actually polled during the five hours of the first day, with the number polled on both sides on the last day, which, together with those to whom objections were made on that day, did not amount

amount to 550. Indeed, during the first three hours of the last day the Poll was almost as slack as in the corresponding part of the preceding days.

But it deserves particular notice, and, indeed, the circumstance about to be alluded to constitutes a prominent feature of the Election, that it was the systematic practice of Sir Francis Burdett's agents to bring up his Voters, in crowds, towards the close of the Poll of each day; a practice evidently unfavourable to that cool and deliberate investigation, which is best calculated to distinguish the real from the fictitious voter; a practice, too, obviously adapted to favour the design of enabling a considerable portion of Voters, of the latter description, to escape detection in the hurry and bustle of such a scene, and to procure them, by the aid of written instructions, or ready memories, to be admitted upon the Poll. Mr. Mainwaring's Voters, on the contrary, came mostly on the early part of the day, and thereby shewed their readiness to undergo the fullest investigation. Hence it was that, during the first four hours of each day, Mr. Mainwaring had almost invariably a large majority on the day's Poll, and that the advantages gained by Sir Francis were obtained in the tumult and confusion generally attending the close of the Poll.

During

During the whole Election each party exercised the right of objecting to Voters, subject to the decision of the Sheriffs on the validity of the objections: a right which affords the only check, that has any chance of being effectual, to fraud and perjury.

It also requires to be noticed, in order to obviate misconception or misrepresentation, that whenever a Voter was objected to, the objection was not made till the party had given in his name, residence, and the description of the freehold for which he intended to vote, which were all entered upon the Poll-book. Then was the time for an objection to be made, the effect of which was to prevent the party from polling until the validity of the objection should be decided upon. And although it sometimes happened that the party intimated for whom he came to vote, yet the entry of the mark, under the candidates name in the poll-book, which constituted the act of polling, was not made, nor could the Voter poll, in any sense of the word, until the Sheriffs, upon an examination of the objection, declared him entitled so to do.

The refusal to Mr. Mainwaring, sen. of the right of objection during a great part of the former Election was strongly censured by the Committee appointed to try the petition which ensued, who reported to the House that the Sheriffs had acted " *in flagrant violation of*

their

their duty," by having, in some instances, " refused to decide on the validity of such votes as were objected to, and stated that they would admit to poll any persons who would take the oath, declaring themselves to be only Ministerial Officers." This report would be conclusive authority to shew, (if, in a case where the reason of the thing is clear, and the practice uniform, any authority were wanted,) that it is the duty of returning officers to receive and decide upon objections to Voters presenting themselves to poll: and it follows, as a necessary consequence, that either party at an Election has a right to submit such objections to the decision of the returning officer. If no such right existed, it is obvious that any Candidate might insure his return, at least in such a county as Middlesex, who possessed so much wealth and so little conscience, as to be able to procure a sufficient number of perjured Voters, to outnumber the real Voters of a competitor, whose conscience would not suffer him to resort to such means. The practice of objecting to Voters was accordingly permitted at the last Election, and it was by tacit consent pursued by each party, as a matter of common right. The manner of exercising this right was as follows: when a Voter presented himself at the Hustings, and had given in the necessary descriptions, if any suspicion attached to him, he was interrogated by the Inspectors, stationed at the booth allotted to the district where his freehold was situated,

situated, and who had local knowledge of that district. If the Voter did not answer satisfactorily to the questions put to him, he was objected to, and thereby prevented from polling; and, without being sworn, he was sent round to the Sheriff's box, for the assessor to hear and decide upon the objection.

It must occur to the reader that, necessary as this right of objection obviously is to prevent improper practices at any Election, it was peculiarly necessary at an Election, where such different systems were pursued by the different interests. For, otherwise, a Candidate, whose Voters came in the early part of the day, when their qualifications might be almost sufficiently investigated at the Hustings, would have stood no chance when opposed to one, whose Voters came in throngs at the close of the day, when the noise and confusion were extremely favourable to the success of fraud and imposture. Nor should it be forgotten that the Candidate last alluded to had, at the preceding Election, pursued the same system, and that he had been even reported by a Committee of the House of Commons, *to have polled, during the three last days of that Election "upwards of three hundred persons claiming to vote under fictitious rights, by which means a colourable Majority was obtained in his favour."* Surely it was not unjust, nor even uncandid, to

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suppose *that* Candidate capable of again resorting to similar means, particularly as his system of polling was calculated to favour the success of such means; and, indeed, as the whole of his proceedings, at the late Election, were, as far as the difference between the returning officers on the two occasions would permit, strikingly analogous to those adopted by him at the preceding one.

The probability that similar means would be again resorted to was the greater, not only because those means, besides being crowned with success, were also practised with impunity. While the petition before the House of Commons was pending, it was judged inexpedient to prosecute any of those Voters whose perjury had enabled Sir Francis Burdett to obtain the return, which it was the object of the petition to set aside; and, unfortunately, the proceedings before the committee were spun out to such a length, that, upon their termination, the time allowed by law for a prosecution for perjury was expired. Thus, although by the report of the House of Commons, it is established that in only a single class of Voters for Sir Francis Burdett, upwards of 300 persons voted "under a *fictitious* right"—that is, in other words, were guilty of perjury—yet when that lamentable fact was proclaimed by such high authority, it was too late to bring any of the offenders to punishment; and

and as the perjured *Voters* cannot now be prosecuted, their *suborners* are unhappily out of the reach of the law.

But it is urged, that the right of objecting to Voters was unfairly, captiously, and, on the last day, indiscriminately exercised, on the part of Mr. Mainwaring. This charge is most positively and unequivocally denied. Mr. Mainwaring's friends seemed to be fully sensible of a material difference between their situation and that of their opponents. They were aware that, while the cause of the latter was supported by means the most unjustifiable, their own cause would have been disgraced, and themselves injured in the public estimation, if they had endeavoured to obtain success by any means that were not perfectly fair and honourable. They both expected and desired to be tried by the most rigid rule of right; and now that the contest is over, I believe they may safely defy their adversaries to point out a single instance in which they have deviated from that rule. Numerous are the votes which they have prevented from being offered in favour of Mr. Mainwaring, because of some defect, which, in all probability, would have escaped notice at the Hustings; and, while they had numberless proofs that the opposite party was actively engaged in procuring Voters, who had not a shadow of right, my observation convinces me that they have, in no one instance, brought

forward a Voter, of the validity of whose vote they entertained a doubt.

With regard to the manner in which they objected to persons who attempted to vote for Sir Francis Burdett, in this respect, as well as in all others, their conduct was unexceptionable; being calculated only to prevent Sir Francis from again obtaining *a colourable majority*, by means of *fictitious votes*. They did not object to a single Voter for Sir Francis, who did not appear to them, on grounds derived from clear and positive information, to be *suspicious*. They have not in a single instance made a captious objection. The Inspectors of Mr. Mainwaring had no directions to urge such objections, nor were they at any time directed to object indiscriminately. It may, however, be true that, though they did not object indiscriminately, those Inspectors were obliged, on some occasions, to object *collectively* to persons, who came *in bodies* to vote for Sir Francis. That this was justifiable, because indispensably necessary to prevent the poll from being a mere farce—a mockery of an Election---will appear from a statement of some of those facts and appearances which indicated a systematic design, on the part of that candidate, to obtain the return by means of fictitious Votes.

In the first place, it was a circumstance that could not fail to excite suspicion, that the same agents, who, at the former Election, were employed

ployed in procuring for Sir Francis Burdett "a colourable majority," were engaged on the late occasion. The same means also, which had before been successfully resorted to, for the procuring of fictitious Voters, were again put in use, with all the advantage that experience could afford. The houses, in different parts of the metropolis, where the standard of perjury had been before erected, were again opened, and every day's Poll brought ample proof that the idle, the dissolute, and the vicious, were but too easily induced to enlist under the impious banner. It was natural to suppose that, in order to procure Voters who might be willing to incur the guilt of perjury, persons of the very worst description would be first resorted to. Accordingly, in the early part of the Election, among those who came to poll for Sir Francis Burdett were many, whose appearance denoted them to belong to that class which infests the metropolis, by acts of plunder and depredation. As a check to such Voters, two officers from each of the police offices were, on the fifth day of the Election, stationed at the entrances to the Hustings. This precaution was made the subject of many complaints on the part of Sir Francis Burdett; but as the presence of peace officers could not be the means of impeding any *honest* Voter, those very complaints prove that it was found to operate as an interruption to Voters of a different description. Indeed the efficacy of the remedy

medy appeared in a very striking manner on the first day it was tried; when a long train of carriages, engaged for Sir Francis Burdett, and fully freighted, came to Brentford, and approached the Hustings; but, instead of stopping there, as was usually the case, they were driven round, without any of their passengers getting out to poll. That this disappointment was produced by the unexpected appearance of the police officers is the more probable, because Sir Francis Burdett was under a solemn promise to obtain a decided majority on that day. Instead, however, of performing that promise, he had the mortification of seeing the ascendancy of his opponent encreased that day by one, and the next succeeding day by fifty. His friends, indeed endeavoured to account for the sudden retreat of so large a party from the field, when their assistance was so much wanted, by giving out that particular reasons induced them to delay voting till some future occasion.

Another class of Voters for Sir Francis Burdett, to whose services the Baronet is much indebted, were found, upon inquiry, to be by trade shoemakers; a trade which contains, particularly among the journeymen employed in it, a larger proportion of disaffected characters than any other in the kingdom; and which is chiefly indebted for that most disgraceful distinction to its connexion with

with Citizen Hardy, the secretary of the Corresponding Society, who was indeed acquitted in the year 1794, of high treason, but the perusal of whose trial will convince any one, that the society, of which he was the secretary, was engaged in a treasonable conspiracy, founded on French revolutionary principles, for the overthrow of the constitution. Of the journeymen shoemakers, several voted for Sir Francis Burdett in the early part of the Election; and there being reason to suspect that a much larger number would be employed on the same service, persons who had an extensive acquaintance with that description of artisans, were engaged in detecting them when they came to vote. But before this expedient was tried several of the sons of Crispin had actually polled, and some of them several times over,

The shoemakers, who voted for Sir Francis Burdett were chiefly persons, who are known by the denomination of pair-makers. These are deserters from different regiments of the militia and the army of reserve, in which they have successively enlisted for the sake of bounties. They have assumed the foregoing appellation, in allusion to their trade; for each person obtaining a bounty in the manner above described, is significantly said to *have made a pair*, and hence the labourer in that occupation is denominated a *pair-maker*. To meet such Voters, sergeants from militia regiments

giments were provided, who detected many when they came to poll, and whose appearance, it may fairly be presumed, prevented many more from shewing themselves at the Hustings. The police-officers were also very useful in detecting the pair-makers, many of whom had been brought by them, as deserters, before the Magistrates. One of the constables, belonging to the office at Bow-street, had in two days taken up no fewer than nineteen deserters, of the above description, from Colonel Cameron's regiment. This constable being one day within the place before the Hustings, allotted to Voters, saw a man in black knocking at the door of the Hustings, which he required to be opened for the admission of four Freeholders to poll; the constable turning about, immediately recognized those Freeholders to be pair-makers; and upon his looking them full in the face, rather significantly, they renounced their franchise, and withdrew very expeditiously from the place of polling.

One of the pair-makers, more hardy than the rest, ventured, when objected to, to undergo an examination before the Sheriff. Mr. Mainwaring's counsel, Mr. Courthope, in consequence of information which he had received from a sergeant, gave this man a history of his malpractices, and specified several regiments from which he had deserted. The pretended Voter had, however, the effrontery to brave all this, and

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to insist on his right to poll; a right which the Sheriff told him he might exercise if he pleased. Mr. Courthope, however, confident in the authenticity of his information, told him that, notwithstanding such permission, he would not venture to avail himself of it. This prediction was strictly verified; for no sooner was this Voter out of the Sheriff's box, than, instead of going to poll, he took to his heels, and in a moment, was out of sight.

Baffled in their attempts to procure a sufficient number of fictitious Voters from particular classes of men, whose habits or principles might be expected to dispose them readily to enter into such a service, the agents of Sir Francis resorted indiscriminately to any persons who, under the influence of a bribe, might be prevailed upon to assume the character of Voters. The number of such persons, who were brought to Brentford to vote for the above candidate, was very great; but, although many of them succeeded in procuring their votes to be admitted, a far greater proportion did not entitle themselves to the reward, which they were to receive only in case of such success. The Voters now under consideration being neither hardened by guilt, nor impelled by democratic zeal, performed very reluctantly and awkwardly the parts they had, by a mere desire of gain, been induced to undertake. When interro-

gated, they hesitated, and, on being pressed, contradicted themselves. When objected to, very few had courage to go round to the Sheriff, and some immediately slunk under the rail before the booth, and mixing with the mob, disappeared. It was, indeed, attended with no little difficulty to prevail on them to approach the Polling Booths. The most inattentive observer could not fail to notice the influence of conscientious fear on the minds of these deluded persons, who, upon alighting from the coaches which conveyed them to the door of the Hustings, instead of immediately proceeding to the place of polling, mingled with the crowd, among which they were frequently observed to be repeating their lesson, while they betrayed evident symptoms of apprehension at the crime they were about to commit. It was easy on this, as well as other accounts, to distinguish the *real* from the *fictitious* Voters for Sir Francis Burdett. The former were persons of a decent and creditable appearance, and on quitting the carriages by which they were conveyed to the place of Election, they proceeded immediately, and without hesitation, to poll, like men who were conscious of exercising their undoubted rights: the latter, besides being so shabby that no one could suspect them to be possessed of freeholds, shrunk, in the manner above described, from the service in which they were engaged. Some, indeed, exhibited a more decent appearance in point

point of dress; but their clothes hung about them in a manner which plainly indicated that they were furnished for the occasion; and one of them, whose ragged appearance was one cause of his being objected to, attempted to vote, on a subsequent day in a better garb. In order to collect and inspirit them, musical processions and other captivating devices were resorted to, and by the noise and confusion thus produced, they were stimulated to emerge from the mob in which they had taken shelter, and to present themselves at the Polling Booths These artifices, however, often failed to overcome their apprehensions; and it was no uncommon thing to see the agents of Sir Francis Burdett struggling with his reluctant Voters, and even dragging them forward to perform the part they had undertaken, but which, as they approached the scene of action, they wished to decline. At length, the obvious inconvenience arising from the daily exhibition of such more than suspicious scenes, induced a material change of system. The coaches containing persons of the description here alluded to, instead of proceeding directly to the entrance of the Hustings, were driven to a house of rendezvous, whence the Voters, having been inspired with fresh confidence, were marched in a body to the place of polling. If, notwithstanding this precaution, any of them happened to alight at the Hustings, they were direct-

ed immediately to the house in question. And during the last days of the Election it was even notified, by public advertisement, that the Voters for Sir Francis Burdett were to assemble at that house, and to proceed thence in a body to poll. This certainly was a judicious expedient; for besides the effect it had in collecting and encouraging the fictitious Voters, it tended to facilitate their reception, by producing an intermixture of some good Voters among them.

As a guide to the memories of Sir Francis's Voters, it was a practice to furnish them with slips of paper, containing their whole lesson, which they were privately to con, and which they were repeatedly made to rehearse. And in some instances these papers contained complete directions for two votes, which were of course to be given by one individual. At length, however, it was found inconvenient to trust to memory, the treachery of which had occasioned the loss of many votes; and recourse was had to the barefaced expedient of furnishing the Voter with a card, to be delivered to the Poll-Clerk, and containing the full description of the name, residence, freehold, and occupier, with a printed memorandum at bottom, intimating that the Voter was to poll for Sir Francis Burdett. Sometimes, however, this memorandum was cut off.

It has been observed, that it was the constant practice to bring up Sir Francis Burdett's Voters in large bodies, towards the close of each day's Poll. This very suspicious circumstance, though it certainly produced the effect of enabling many fictitious Voters to escape detection, by the aid of noise and confusion, always favourable to guilt and conducive to impunity, yet it could not fail to occasion the reservation of a great number of Votes, which being objected to very late in the day, could not be examined before the following morning. Of this circumstance Sir Francis Burdett sometimes complained in his speeches—stating, as was often the case, that forty or fifty of his Voters were so deferred—commiserating these unfortunate Electors for the trouble they had in substantiating their rights, and for the delays to which they were subjected ---though he generally forgot to observe, that those delays grew necessarily out of the system of polling which he chose to pursue—and ending with an earnest entreaty to his delayed Voters to attend early the next morning in support of their franchises. All this produced a tolerable stage effect upon the Hustings. But the advice to appear the next morning was thrown away; for very seldom did more than two or three, out of the Voters who had been reserved on the preceding day, either then, or at any subsequent period of the Election, afford the Sheriffs an opportunity of deciding upon the validity of the objections which

had been made to them. A circumstance which, considering the zeal displayed by every individual who supported the interest of Sir Francis, affords absolute demonstration, that the defaulters were conscious of an inability to undergo an examination.

It should not escape notice that the fictitious Voters who appeared for Sir Francis Burdett were susceptible of a variety of distinctions, in respect of the character which they assumed, as well as of that which belonged to them in their own right. Some came to vote for property, which they declared to be freehold, but which was not so. Of this class were those who have excited no small attention, under the denomination of Spice Islanders; a description of whose pretended title was given by Mr. Thornton, in his excellent speech at the Free Masons Tavern. The local knowledge of the inspectors was exceedingly useful in detecting the Voters for fictitious freeholds, and in deterring them when objected to from appearing before the Sheriffs: and in the Finsbury division only, on the first day of the Election, upwards of ten persons were thus induced to abandon their claim to vote. Other persons attempted to vote in respect of real freeholds, with accurate descriptions of which they were provided, but to which they had no kind of title. As the person of the real Freeholder was commonly unknown to the inspectors, these Voters often succeeded in polling,

and

and as they gave in false descriptions of their names and residence, it is next to impossible to trace them. To favour the deception, a selection was made, in the early part of the Poll, of those freeholds, the proprietors of which lived at a distance from the place of Election, and who, therefore, were not likely to appear so soon to vote; and afterwards, instances were selected, in which the Freeholders were known to have determined not to vote for either party. One freehold, situate at No. 8, Bell-court, Gray's-inn-lane, and vested in a trustee for the purpose of sale, was made to furnish no fewer than three fictitious Votes for Sir Francis Burdett. In some cases there is reason to believe that the fraud was favoured by the real Freeholder, whose zeal in the cause led him perhaps to rejoice that his freehold could produce two votes instead of one. This conjecture is particularly warranted with regard to one instance, in which the fictitious Voter having polled for Sir Francis Burdett, the owner of the Freehold came up within an hour after, and voted for the same candidate. Some extraordinary cases of detection occurred. In one, an agent for Sir Francis brought a young man to poll at the very booth, where the Voter's father happened to be an inspector, when the latter discovered that it was *his own freehold* for which his son came to vote. On another occasion a person, under the name of Samuel Poole, came to vote for a Freehold, belonging to the father of the inspector who objected him. The care of Sir Francis's friends ex-

tended to the providing of proxies for *distant*, as well as *neutral* Freeholders. Thus two persons, in the names of James Night and Thomas Turner, polled for the Baronet, in respect of freeholds at No. 2, and No. 5, in Fox-court, Gray's-inn-lane, the proprietor of which, Mr. Thomas Lamborne, is in *America*. Sometimes the fictitious Voter did not scruple to borrow the name of the Freeholder, as well as the Freehold itself. Thus, on the fourteenth day of the Election, a vote is entered on the Poll, for Sir Francis Burdett, in the name of John Fry, for a Freehold in Bell-street, Paddington. The real Mr. John Fry had polled in the same interest on the first day of the Election.

It sometimes occurred that Voters who, on examination before the Sheriffs, were disallowed, attempted to poll at other booths, and this fraud was notoriously encouraged by the agents for Sir Francis. In two cases, in which it appeared that the Voters had attempted to poll under different names, and in different divisions, the Common Serjeant ordered them to be publicly exposed on the Hustings, that their persons might be known to the Poll Clerks. The names under which these persons attempted to Poll were John Brown and Joseph Cross. So gross indeed were the proofs of fraud and imposture, even among the Voters who, on being objected to, had courage to appear in the Sheriffs' box, that the very limited view which the Common Serjeant could there take of what passed, impelled him publicly

to

to declare, that he saw proofs of a *foul conspiracy to introduce fictitious votes upon the Poll.*

In illustration rather than in confirmation of the flagrant truth, that such a conspiracy existed, it may not be amiss to recite two striking facts, which will serve also to convey a still more precise notion, than has been hitherto given, of the disgraceful scenes which occurred at the late Election.

On the second or third day of the Election a number of persons came in a body to poll for Sir Francis Burdett; and on account of their suspicious appearance, as well as of special information which had been received, four of them were objected to, and sent round to the Sheriff's box for examination. But, in their way thither, three took occasion to run away; and the fourth, the only one who had the courage to present himself to the Sheriff, was no other than Thomas Williams, for the discovery of whom, on the supposition that he had polled, a reward was the next day advertised by Mr. Mainwaring's Committee. This man prevaricated grossly before the Sheriff, and it was manifest that the account he gave of himself was false; but that officer, unwilling to reject, from mere suspicion, any Voter who was ready to swear to his qualification, told him that if he insisted upon it he might vote, but at the same time advised

advised him not to do so, and warned him of the consequences of perjury. This warning had its effect, for it appears that this man did not venture to poll. The rest of the party, not chusing to stand the test of an examination before the Sheriff, quickly disappeared, and on a sudden the poll-booths were cleared of the persons by whom a little before they had been crowded.

The person above-mentioned, who assumed the name of Thomas Williams, said that he was a plumber by trade, that he lived at No. 27, Red-lion-street, Whitechapel, which house he stated to be his own property. Upon inquiry it appears that the name of the occupier of the said house is J. Turner, a carpenter; that the lower part of it is let by the said J. Turner to Israel Lyons, a dealer in clothes; that the house is the property of some other person, and that Thomas Williams is not known to any person in that house or street.

The other instance which shall be selected for the purpose of shewing, that Mr. Mainwasing's friends had good reason for sometimes objecting, pretty largely, to the Voters on the other side, is still more characteristic of the means which were employed again to obtain "a colourable majority" for Sir Francis Burdett.

On the last day of the Election, and late in that day, a number of persons were collected at

at Brentford, to poll for Sir Francis Burdett. These persons were observed to be put into hackney-coaches at a house which was frequented by Sir Francis Burdett and his friends, and which is not a hundred yards from the Hustings. The coaches, so freighted, instead of proceeding directly to the Hustings, which would have appeared suspicious, shaped their course, by a back way, into the Hammersmith-road. By this manœuvre they had the appearance of coming from London with Freeholders, and not, as was really the case, from a neighbouring house of rendezvous, with persons, picked out of a Brentford mob, to help a desperate cause, at the last *pinch*. In the mean time, however, Mr. Mainwaring's agents, on the Hustings, were apprized of the stratagem, and the coaches, upon their arrival, were pointed out to them. Not to have objected in such a case would have denoted rather that folly, which is unfit to be intrusted with any cause, than that conscientiousness, which would not do any thing unworthy of a good one; and the persons thus objected to furnish a part of those tendered and reserved votes, the *outrageous violation of whose rights* has been the subject of so much clamour!

The exhibition of such scenes leaves no room to doubt that it was determined to carry the Election

Election at all events, and that the means employed for this purpose were of so profligate a kind, as to render it impossible even to save appearances. The sacrifice of appearances might indeed be the more readily made, as, after the former Election, character was certainly not at stake. Great reliance seemed to be placed upon the effect, which success is too apt to have in dazzling the eyes of mankind, so as to obscure, if not apparently to sanction, the means by which it obtained, however base and atrocious.

I trust it has been abundantly shewn that Sir Francis Burdett has no just cause to complain that numerous objections were made to his Voters. That he has lost the Election in consequence of objections to fictitious Voters is undoubtedly true; that he had nearly, very nearly, obtained the return by the aid of such Voters, is a matter of notoriety; but if any real Freeholders in his interest were impeded by objections, that circumstance is owing to their suffering themselves to be packed with large bodies of fictitious Voters, as good money is sometimes offered with bad, in order to obtain currency for the whole. It is evident, however, that the objections, about which so much clamour has been raised, were indispensably necessary to preserve the rights of real Electors from being swallowed up by fraud, imposture, and perjury.

But ample as is the proof already adduced, in refutation of the charge of captiously objecting to Sir Francis Burdett's Voters, one circumstance remains to be noticed which would alone be sufficient to repel that charge; I mean the result of the objections themselves. If only a small proportion of the votes objected to had proved to be bad, then it might have been urged, with some shew of justice, that suspicion was made a pretext to carry the system of objecting to an unwarrantable extent. But this will scarcely be contended, and indeed the clamour respecting frivolous objections must entirely lose its effect, when it is known that of the total number of 537 Voters, who, on tendering for Sir Francis Burdett, were objected to during the whole Election, only 164 actually polled; although the Sheriffs were cautious in the extreme not to prevent any man, claiming to be a Freeholder, from polling, unless his right was most satisfactorily disproved. Of the remainder the greater part did not even venture to appear before the Sheriffs for examination, and those who did so venture were rejected either for prevarication, or because it was proved that they falsely assumed the characters of Freeholders.

On the other hand, in the course of the Election, 225 of the votes tendered for Mr. Mainwaring were objected to, of which 97 were allowed upon examination: and I do not believe

lieve that there is among them a single vote given by a person who is not a real *bonâ fide* Freeholder, of the full value required by law, and residing according to the description entered upon the Poll. It is not, however, to be supposed that the remaining 128 who did not vote, were either fearful of being examined by the Sheriff, or rejected upon examination for prevarication, or because their right was disproved The circumstance of their not voting may be accounted for in a much more satisfactory way: 51 of the number tendered in respect of freehold offices, the possessors of which had from time immemorial voted at Elections; and although out of respect to the decision of a late Committee those officers were not allowed to vote at the last Election, yet the Common Serjeant did not scruple to declare his opinion to be in favour of their right. Among the remaining number of tenders for Mr. Mainwaring, not allowed to poll, were 30 parish clerks, who came in the full persuasion that their offices, which were undoubtedly of freehold tenure, entitled them to vote. Thus of the 128 votes tendered for Mr. Mainwaring, and not allowed, only 47 remain unaccounted for; and it is very natural to suppose that among nearly 3000 Voters, so small a number as 47 might be rejected on account of some defect of title, which appeared upon the examination, but of which they themselves were not aware. But in the whole number

ber of 108 unpolled Voters who tendered for Mr. Mainwaring, there was not a pretext to charge a single individual with having attempted to appear in a false character.

Besides the *tendered* votes which were objected to, 35 were suspended by objections; which were not tendered for either candidate; and considering that it was found expedient for many of the Voters for Sir Francis Burdett to conceal their party, by taking their colours out of their hats before they approached the Hustings, while by secret signals they made themselves known to their friends, it may fairly be presumed that very nearly the whole of the votes in question were meant to be given to Sir Francis Burdett. Without, however, taking these into the calculation, it appears that not one in three of the Voters, throughout the Election, who, on tendering for Sir Francis Burdett, were objected to, actually polled. This circumstance would fully prove that the objections were not captious, even on the supposition that all the votes which were admitted on examination, were good. But so far from that supposition being admissible, it is capable of proof that of those which, on being examined, were allowed, the greater part are fictitious votes, fabricated for the occasion; nay, even at the time this appeared to be the case with regard to many which were received, because the Voters had

so much nerve, or rather so *callous* a conscience, as to persist, in spite of evidence which would have satisfied a jury of the fraud, in asserting their claim to vote. In such cases the agents for Sir Francis Burdett endeavoured, by threats, to intimidate the Sheriffs into an allowance of the claim. As an instance of the above kind may be mentioned a vote, which is entered on the Poll-books in the name of Thomas Williams, of No. 32, Old-street, for a freehold at the back of Ironmonger-row, in the Finsbury division. The inspector objected to this vote, declaring that all the property in the above Row belonged to the Ironmongers company. The Voter persevered in his claim, and was permitted to poll. The information, however, given by the inspector was perfectly correct, respecting the property claimed by the Voter as his freehold; and it appears that the latter did not reside in the house which he swore to be his residence, and which was occupied by a publican of the name of Davies, who knows no such person as Thomas Williams. Others although, on being objected to, they either abandoned, for a time, their pretensions, or were rejected, yet afterwards they found means to vote. And Sir Francis Burdett's agents were repeatedly detected in endeavouring to pass votes after they had been rejected.

That the right of objecting to voters was not captiously

captiously exercised by Mr. Mainwaring's inspectors has, I trust, been most completely demonstrated. But justice requires me to add, that the exercise of that right was very far from being carried to the extent which circumstances would have justified, nay, which they seemed to require. The number of fictitious votes for Sir F. Burdett, which, without any interruption, gained admission upon the Poll, was so great as to prove that the objections to which the Voters for that candidate were subjected, instead of being too numerous, were not nearly so numerous as, for the sake of the rights of the real Electors, they ought to have been. In proof of this assertion a circumstance shall be related which is the more deserving of notice, as it will be found to contain a virtual admission on the part of Sir Francis Burdett, that many of his actual Voters are impostors.

During the former part of the Election, some friends of Mr. Mainwaring selected from the Poll of several days the names of 40 Voters for Sir Francis, who appeared to them to be suspicious, although they had been suffered to vote without being objected to. Agents, who were employed to make inquiries respecting the persons who had given these votes, reported that none of them resided according to the description they had given in upon the Poll-books. A list of those names, with the descriptions annexed to them,

was accordingly published in a posting-bill, in which, after a statement of the above circumstance, was contained a request for information, from any person able to give it, of the real names and residences of the persons in question, for the purpose of prosecution. In a very short time, however, it was discovered, that the list was inaccurate in respect of some individuals named in it, who, though not found by the agents employed in the inquiry, did actually reside as they were described upon the Poll, and were real Freeholders. The moment an error of this kind was discovered, it was spontaneously communicated to the party concerned, the whole circumstance was explained to him, and an apology was inserted in the public prints. Fresh inquiries were then made with the utmost care respecting the remaining persons named in the list, and it was ascertained that thirty-four of the forty had polled under false descriptions of residence. A new list was then published, containing the names under which those persons had polled, and acknowledging the error which had involuntarily been made with regard to the other six ; and Sir Francis Burdett was, in the most formal manner, called upon to prove that any of thirty-four resided according to the description entered upon the Poll. This call has not produced the least intimation that any one of those persons is improperly charged with giving in a false description. And the silence which has been thus observed amounts to an admission that those persons

sons are fictitious Voters. It is perfectly clear, that if the corrected list, thus published, could have been proved to be erroneous, there was no want of disposition to bring forward such proof. For, with regard to the errors which had crept into the first list, they were trumpeted abroad as if the whole had been a fabrication, for the purpose of charging Sir Francis Burdett's voters with perjury; and some of the individuals, whose names were erroneously brought forward, threatened to prosecute for libels. And if the corrected list could have been proved to be erroneous, such proof would have afforded much too favourable an occasion for triumph to have been withheld. But, lest Sir Francis should plead that the hurry of an Election prevented any further notice of this subject, an opportunity is again afforded him to vindicate the character of his voters. For thirty of the names contained in the above list are hereunto subjoined, with the places of residence where, at the Poll, the persons assuming those names described themselves as living. Sir Francis is challenged to prove that any one of those persons did so reside; or any individual who chuses to take the trouble may inform himself on the subject. Some of the names which appeared in the corrected list are omitted, not because there is any reason to suppose that the persons they designate do actually reside as described upon the Poll, but because

their pretended places of residence, as given in, are in streets which are very irregularly numbered, and one in a street of which there are eight or ten of the same name in the metropolis; and it would therefore be attended with considerable difficulty for any person, disposed to make the enquiry, to do it with accuracy. And although the cases in which persons, who have voted for Sir Francis Burdett, have given in false descriptions of their residence are exceedingly numerous, yet it is presumed that thirty cases of such a nature are quite sufficient to give the public a tolerably correct, though by no means an adequate, notion of the nature of the means employed by Sir Francis's agents to promote his Election.

It is necessary to distinguish one of the thirty from the rest. It is that which appears under the name of William Prince, there being a person of that name residing as described, but who did not attempt to poll, though his name appears on the Poll-books, he having been personated by a man, who received a guinea and a half for voting, and who attempted twice to poll, but the second time without success.

The thirty names above alluded to, with the descriptions of the places of residence given in by the Voters who polled in those names, for Sir Francis Burdett, are as follow:

James

James Knight, Fox-court, Gray's-inn-lane.
Thomas Jefferson, 20, Baldwin's-gardens, ditto.
John Jackson, 4, Church-lane, St. Martin's in the Fields.
William Gorman, 13, Sackville-street, Piccadilly.
William Prince, 16, Tower-street, Seven Dials.
James Jones, 5, Chequer-alley, Bunhill-row, St. Luke's.
John Dodd, 2, Type-street, Chiswell-street, ditto.
John Haynes, 2, Chequer-alley, Old-street-road, St. Sepulchre.
Thomas Holmes, 96, Fore-street, Cripplegate.
William Jackson, 53, Brick-lane, Old-street,
John Allanson, 22, Tottenham-court-road.
Samuel Shepherd Warner, 70, King-street, Holborn.
John Roberts, 17, Chancery-lane, Roll's Liberty.
Thomas Turner, 12, Newcastle-court, Strand.
Thomas Smith, 4, Arthur-street, St. Luke's, Old-street.
John Kitson, 40, Old-street.
James Osborne, 2, Windmill-street, Finsbury-square.
W. Thompson, 33, Rosomon-street, St. James's, Clerkenwell.
James Mason, 2, Bath-street, ditto.
Thomas Burton, 71, Little Briton.
George Watson, 5, Aldersgate-street.
William Harding, 9, Skinner's-street, Bishopsgate-street.
Francis Groom, 24, Catharine-weel-alley, ditto.

James Yarnold, 6, Spicer-street, Spitalfields.
Thomas Capps, 23, Warren-street, Fitzroy-square.
Thomas Head, 6, Pancrass-street, Tottenham-court-road.
John Aldridge, 6, Union-street, Middlesex Hospital.
John Denton, 1, Red-lion-court, St. John's-street.
Joseph Ware, 5, Phillip-lane, Cripplegate.
Charles Williams, George-court, East-street, Manchester-square.

It frequently happens that those who are most criminal are the loudest in accusation. This truth is applicable to the agents and partisans of Sir Francis Burdett, who, while they falsely accused their opponents of frivolously objecting to Voters, were themselves guilty of that practice. It is indisputable that many objections were captiously made during the Election, but they were *all* made in behalf of the party complaining of such objections. The agents of Sir Francis objected to many of Mr. Mainwaring's Voters, merely because many of the Voters for the former candidate had been objected *to*. This reason was sometimes even assigned as the cause of objection; and the most active agents of Sir Francis Burdett on the Hustings have been repeatedly heard to direct his inspectors *to object to as many as they could*, and

and at other times to object to *one* for *every one* of his Voters who should be objected to; a direction which was frequently attended to. This conduct was defended on the plea of retaliation. That plea, however, even if it were applicable, could not in such a case afford any justification or excuse. For whatever example may have been set, an objection to a Voter is frivolous and captious, which is not founded in some doubt respecting his right of voting; and to object merely for the purpose of retaliating is to admit that no such doubt exists. But even the insufficient plea of retaliation could not fairly be urged on this occasion. For the objections, however numerous, which were made to Sir Francis Burdett's Voters, being justifiable, as has been shewn, they could not afford a pretext, on the ground of retaliation, for objecting to Voters to whom no suspicion whatever attached. Nevertheless many of Mr. Mainwaring's Voters were thus harassed with objections, which, upon examination, were found to be altogether frivolous; and among the persons objected to were some of the first respectability in the county, of whose right to vote no one could entertain a doubt. And this vexatious system would have been carried much further if the inspectors for Sir Francis Burdett could have been prevailed on implicitly to follow the directions which they received in that respect from his agents.

One of the many cases of frivolous objections to Mr. Mainwaring's Voters deserves to be particularly noticed, as it evinces a settled plan to harass as much as possible the Freeholders who supported Mr. Mainwaring's interest. On the Saturday preceding the close of the Poll, the Rev. William Andrews, of Reading, came, a little before four o'clock, to poll for Mr. Mainwaring; he was objected to by Mr. Gillebrand, an inspector for Sir Francis Burdett. It was then too late for Mr. Andrews to be examined on that day: instead, therefore, of returning to Reading, as he had intended, he remained at Brentford till the Monday morning, with his brother, Mr. John Andrews. On the Monday he presented himself for examination, when the inspector was asked why he had objected to him. The latter replied that he had objected because objections were made to Sir Francis Burdett's Voters; but he added, that if he had known the Voter to be a brother of Mr. John Andrews, he should not have objected to him. It is scarcely necessary to add, that Mr. Andrews was admitted to poll without any further difficulty. It is a fact, that Mr. Mainwaring lost many votes as good as that of Mr. Andrews, because the objections made to them could not be examined on the same day, and the Voters not having so much perseverance as Mr. Andrews, did not take the trouble of returning to Brentford to assert their rights. It is, indeed, to be lamented, that on a

variety

variety of occasions Mr. Mainwaring's Voters, disgusted by the attempts that were made to harass them, abandoned their right, though indisputable, rather than subject themselves to fresh mortification and insult. Had they suffered themselves to reflect, that the contest, far from being of a personal or partial nature, involved the dearest interests of the country, they would surely have thought it an indispensable duty to emulate their opponents in zeal and exertion.

Before this part of the discussion is closed, it is material to notice one circumstance, which displays, in a very strong point of view, the essential and characteristic difference of the means resorted to by the different candidates—the one depending solely upon the voice of the real Freeholders of the county—the other, as if conscious that such a dependence would afford him no chance of success, endeavouring, by every possible artifice, as at the former Election, to swell his numbers on the Poll-books, by the aid of fictitious votes. The circumstance I mean is, that during the whole Election not one of Mr. Mainwaring's Voters who were objected to was charged with being an impostor; many were rejected on the grounds of some defect of title, but not one was even charged with appearing in a false character, with assuming a name which did not belong to him, with attempting to poll more than once, or with personating an absent Freeholder. But it is notorious

rious that imposture was the principal cause of challenge to the Voters for Sir Francis Burdett, who were charged with *fraudulently* assuming the character of Freeholders. If such a charge had been without foundation, it would have redounded to the shame and confusion of those who advanced it. But no one can doubt the validity of this charge, who considers how large a proportion of those, who were brought to Brentford to poll for Sir Francis, did not venture even to present themselves at the polling-booths; how many, on being objected to, never dared to go round to the Sheriffs for examination; how many of those who had the courage to be examined were rejected in consequence of their own prevarication, or on the clearest proof of their being impostors; how many of those, who, on examination, were allowed to poll, were nevertheless fictitious Voters; and how many of those who succeeded in their attempt to poll, without being objected to, had no other title to the character of Freeholder than what they derived from perjury—a description which constitutes a very large proportion of the voters for Sir Francis Burdett.

I come now to consider those proceedings on the last day, which more immediately relate to the question respecting the legality of the return. The allegation, the falsehood of which has been so completely proved, that Sir Francis Burdett's Voters were frivolously objected to, is made the foundation

foundation of a complaint, that many of those Voters were deprived of an opportunity of substantiating their rights before three o'clock on the fifteenth day. And it is contended, that the Sheriffs were bound, after that hour, to examine their pretensions, and to count upon the Poll those who, upon such examination, were allowed. And because, after entering upon such an examination, the Sheriffs refused to allow it any effect, and declared the numbers as they stood upon the Poll at three o'clock, Sir Francis Burdett complains of being illegally deprived of the return, which he would have had by a majority of *one*, if the votes examined and allowed after that hour had been counted upon the Poll.

With regard to the Voters who, on account of their being objected to, had not an opportunity of being examined, there can be no question, except as to those who tendered and were reserved on the fifteenth day. For all who came before that day had, by the established course of proceeding, abundant opportunity afforded them of substantiating their votes. Such Voters, if the time did not allow of an examination on the same day, were regularly cited on the following morning to appear, and their cases had the precedence of all others. Nor were they precluded in consequence of their not appearing when their names were called; but they were still at liberty to come forward on any subsequent

subsequent day, and it generally happened that, till one o'clock, the Sheriffs and their Assessor had not only a great deal of time to spare for the examination of reserved votes, but had scarcely any thing to do. The same course was pursued on the last day, and any Voter who had been objected to, during any part of the Election, and whose right had not been examined, might have appeared on the morning of that day, and he would have the precedence of all cases which occurred subsequently to his own. But as the Poll could not be extended beyond the fifteenth day, and as, therefore, the delay of a vote might then be equivalent to its loss, extraordinary means were adopted by the Sheriffs to prevent the possibility of any Voters being delayed by unfounded objections. For this purpose the two Sheriffs, the two under Sheriffs, and their two clerks, were, almost the whole of that day, on the Hustings, and when any objection was made to a Voter, instead of its being received, as had till then been the case, as a matter of course, for the purpose of examination in the Sheriffs box, it underwent an immediate examination on the Hustings, and unless some reasonable cause was assigned, it was instantly overruled, and the party objected to was permitted to poll; nay, many cases of fair doubt, which turned upon points that could be easily decided—as, for instance, whether the Freehold was situate in the city or the county—were disposed of in this summary way. Such objections as, on this preliminary

preliminary investigation, appeared to deserve farther inquiry, were sent round to the assessor, who was incessantly engaged the whole day in examining objected Voters; insomuch that it was out of the power of that gentleman to use greater dispatch than he did in disposing of objections.

On the last day the system which had prevailed during the whole Election, of bringing up crowds of Voters for Sir Francis Burdett towards the close of the Poll, was pursued to an extent greatly exceeding what had taken place on any preceding day; and great numbers of persons, of the lowest descriptions, and of the most suspicious appearance, tendered themselves to vote for that candidate. Many of these, on being objected to, were suffered by the Sheriffs, or their officers, who where stationed upon the Hustings, to vote because no one happened to be able, on the spot, to falsify the account they were prepared to give of themselves. But with regard to others, the tax-collectors, who were applied to on the occasion, vouched that they did not live in the places described by them as their residence, that the tenements in right of which they pretended to vote were not freehold, or that those freeholds were the property of other persons. On such grounds, and in such manner, a considerable number remained objected to at the close of the Poll, notwithstanding the exertions

tions of the Sheriffs to prevent any Voters from being delayed by groundless objections, and the assiduity of the Assessor to decide upon as many objections as possible before three o'clock; and several known, respectable, and opulent persons, who came to vote for Mr. Mainwaring, were objected to, avowedly for the purpose of making reprisals.

During the last two or three days of the Election, Sir Francis Burdett and his friends threw out some hints, which proved that they anticipated the case above described, and that they had in contemplation the scheme, which afterwards took effect, of procuring an examination, after the close of the Poll, of the reserved votes. On the thirteenth day Sir Francis expressly suggested the probable necessity of such an examination; founding that necessity on the multiplicity of objections made to his Voters, rather than on the character of a very large proportion of those Voters, which was such as to render very numerous objections indispensably necessary, to preserve the rights of real Electors from being swallowed up in a mass of fraud and perjury. On the morning of the fifteenth day, one of Sir Francis's counsel intimated to the Assessor an expectation, that the reserved votes would be examined after three o'clock. Whenever this subject was touched upon, Mr. Mainwaring's counsel most solemnly protested against the proposed

posed examination, as a measure altogether irregular, unprecedented, and incompatible with the express provisions of the law; and on the occasion last mentioned, they offered to argue the question immediately: but as such an argument would have broken in upon the business of the morning, the assessor postponed the discussion till the Poll should be closed.

Thus the matter stood till after the close of the Poll. The right to an examination of reserved votes was claimed on the part of Sir Francis Burdett, and denied on that of Mr. Mainwaring; and the question, whether such examination should take place, was reserved for argument after three o'clock.

Immediately after that hour, counsel were heard on both sides, and at considerable length, on the above question; and the Sheriffs then decided that all the Voters who were reserved on the fifteenth day, (and who were supposed to be in attendance,) should be called, and that those who answered to their names should be examined. The examination accordingly took place in that manner, but it was attended with circumstances which proved that it afforded but a very fallacious test of the validity of votes. Even during the argument which preceded it, the mob was exceedingly tumultuous. At length, the night approached, and the symptoms of riot and

outrage

outrage became very alarming. Sir William Leighton, attempting to quell the tumult, was obliged to draw his sword. In the midst of such a scene were the Voters examined, and ten for Sir Francis Burdett and four for Mr. Mainwaring were adjudged to be good, and allowed to poll in the Sheriffs box. The Court was then adjourned to the next day, and Sir Francis Burdett proceeded, as usual, to make a speech from the Hustings.

In that speech Sir Francis paid a tribute of praise to the impartiality and candour of the Sheriffs. So that the conduct of those gentlemen, by the testimony of Sir Francis himself, was unimpeachable to the close of the proceedings on the fifteenth day.

On the following day, the Sheriffs attended soon after nine o'clock. It was not known whether they intended to make the return according to the Poll, as it stood at three o'clock on the preceding day, or whether they purposed to count the votes which had been admitted upon examination, subsequently to that hour. Mr. Mainwaring's Counsel, however, without knowing the precise number of the voters allowed after three o'clock on the preceding day, thought it their duty to deliver a protest against the admission of those votes on the Poll, and desired to be heard, for the purpose of shewing that they

they could not be counted upon the Poll, and that the Sheriffs were bound, by law, to return the Candidate who had the majority of votes at three o'clock on the fifteenth day. Mr. Plumer opposed the hearing of counsel on this point, on the ground that the Sheriffs had decided the question the day before. The Common Serjeant, however, said that the Sheriffs were willing to hear Counsel on the question stated, as it was different from that which had been decided the preceding day.

Counsel were then heard on both sides very much at length. But it is unnecessary to detail much of their arguments, as the Act of Parliament which regulates the conduct of returning officers is so clear and explicit, as apparently to preclude the possibility of a doubt. The clause relating to the subject in question is as follows:

" Every poll which shall be demanded at any Election," &c. " shall commence on the day on which the same shall be demanded, or on the next day at farthest, and shall be proceeded on from day to day (Sundays excepted) until the same be finished, but so as that no poll shall continue more than fifteen days at most, Sundays excepted; and *if such poll shall continue until the fifteenth day, then the same shall be* FINALLY CLOSED *at or before the hour of three in the afternoon of the same day:* and the returning officer or officers, at every such Election, shall,

 immediately,

immediately, or on the day next after the final close of the Poll, truly, fairly, and publicly declare the name or names of the person or persons who have the majority of votes on such poll, and shall forthwith make a return of such person or persons, unless the returning officer or officers, upon a scrutiny being demanded by any Candidate, or any two or more Electors, shall deem it necessary to grant the same." Vide 25. Geo. III. c. 84. § 1.

On this clause it was most forcibly contended by Mr. Mainwaring's Counsel, and particularly by Mr. Piggott, (his senior Counsel) that at three o'clock on the fifteenth day the power of the Sheriffs, as *judicial* officers, was completely terminated, and that they were allowed to continue their functions till the next day, only to perform the numerical operation of casting up the Poll-books, in order to declare the numbers; ---that they could not, after the above hour administer the oath, which is the grand bulwark of the elective franchise;---that such oath, if administered, would be extra-judicial, and the party taking it would not be liable to an indictment for perjury;---that, in short, according to the clear and precise language of the Act of Parliament, the Poll must "be FINALLY CLOSED, at or before three o'clock, on the fifteenth day," and that the returning officer must return the person who had "the majority of votes on *such* Poll"---that is, on the Poll *so closed at or before three o'clock.*

The

The Sheriffs considering this to be the only construction of which the Act of Parliament was capable, returned Mr. Mainwaring, who had a majority of five, at three o'clock on the fifteenth day.

If the Sheriffs had invariably acted upon the principle which governed their conduct at last, and had at once rejected every proposal to enter upon the examination after three o'clock, there would not have been a pretext for that clamour which has been raised against their conduct. Such an examination was quite unprecedented; and it is now perfectly clear, that in point of law it could have no effect. It would not, on this occasion, have been thought of, if it had not been suggested on the part of Sir Francis Burdett; and the Sheriffs, by listening to the proposal, evinced an equitable disposition, and the strictest impartiality, and they proved to demonstration, that they were not disposed to refuse Sir Francis any fair advantage which it was in their power to grant. Sir Francis is, therefore, the last man who should complain, in consequence of the willingness of the Sheriffs to listen to his proposal, which they might have instantly declined, and to grant the examination, which afforded him an additional chance of obtaining the return; and although, in point of law, that chance proved to be worth nothing, yet it is most ungracious in him to make the readiness of the Sheriffs to allow

him the benefit of it, an occasion for bringing forward an accusation against those officers.

The examination having been irregular as well as nugatory, the Sheriffs have much more reason to complain of Sir Francis Burdett, as the cause of the irregularity, by drawing them into it, than he of them, for having complied with his wishes in that respect. And, indeed, if their character were not so well known—if their impartiality were not unquestionable—it might be supposed that they had gone into the examination, in the hope that Sir Francis would be thereby enabled to defeat the majority which was against him at the close of the Poll: but that the following morning they were fully convinced by the arguments of counsel, that they could not, consistently with their oaths, count upon the Poll any votes that were taken after three o'clock; and, therefore, in making the return, that they suffered their conscience to prevail over their inclination.

But it is pretended that the encouragement held out to Sir Francis Burdett by the Sheriffs before the close of the Poll, to expect an examination, after that period, of the reserved votes, operated as a snare, by inducing a neglect on his part to send round some of his Voters to be examined, which he should have done, but for the reliance which he placed upon that encouragement.

ragement. If any such injury was really sustained by Sir Francis, he must be considered as having brought it upon himself, since the proposal respecting the examination, instead of originating with the Sheriffs, was entertained only at his instigation; and while his counsel contended for it as a matter of right, Mr. Mainwaring's counsel uniformly protested against it as illegal. But the assertion, that his interests were injured by his reliance on the effect of that proceeding is, at once, absolutely false and preposterously absurd. It was by no means certain that the proposed examination would take place. The Sheriffs, whatever has been said to the contrary, were bound by no promise that it should. They had only promised that counsel should be heard, after three o'clock, on the question of its legality, and that promise necessarily implied a doubt whether it would be proceeded on. For although both they and their Assessor evidently appeared in favour of the measure, yet when its adoption was made to depend upon the effect of a legal argument, it is plain that their judgment was in suspense. If they had pledged themselves, in any manner, to allow the inquiry, the argument that preceded it would have been a mere farce, nay, a most unpardonable waste of precious time. It therefore remained doubtful till after the close of the Poll, whether the examination would take place, since it was impossible to anticipate what would be the result of

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the discussion on which it was made to depend. But, supposing it to have been certain, that the deferred votes would be examined after three o'clock, it was very uncertain what would be the effect of the investigation. Not one in three of the Voters for Sir Francis, who were objected to during the Election, succeeded in obtaining permission to vote; and there were only between forty and fifty deferred on the last day, who remained unexamined at the close of the Poll. Mr. Mainwaring's Voters, upon being objected to, were generally more successful, and such of them as were reserved on the last day were equally entitled with those of Sir Francis Burdett to the benefit of an ulterior examination. Besides, at the commencement of the Poll on the 15th day, Sir Francis was eighty-six votes behind his competitor, and continued in a minority to its close. Under such circumstances it is not to be supposed that so active and experienced a commander, assisted as he was, would suffer any dependence on what *might* happen after three o'clock to relax his efforts to obtain a majority before that hour, and thereby to secure to himself the return; and, indeed, he cannot reproach himself with having neglected any means in his power of augmenting his numbers on the Poll as much as possible. His friends were indefatigable to the last moment in bringing up Voters, and even that very moment found Mr. Burchell polling for him.

Nothing

Nothing surely was omitted, when a gentleman appeared at the polling-booths, of whom it has been aptly said, with evident allusion to his concern in the former Election, that as he was the last man who polled for Sir Francis, so he was the last who ought to have polled for him. Neither was there during the last day the least delay in the examination of Sir Francis's Voters who were objected to. Not one of those Voters was delayed by a reliance on the proposed examination after three o'clock. If such an examination had never been thought of, not one more of those Voters could have been examined before that hour. For the Assessor was most busily employed, that day, in deciding upon objections, insomuch that, he was not, from the time when Sir Francis's Voters began to arrive, a single moment unemployed. And the number of objected votes was considerably reduced by the summary examination upon the Hustings, during which many objections, which ~~scarce~~ appear to be valid, were over-ruled, and many fictitious Voters were allowed to poll.

The passage which I have above quoted from the Act of Parliament, to limit the duration of Polls and Scrutinies, is so precise and clear, as seemingly to put it beyond the possibility of a doubt, that the Sheriffs acted legally in refusing to count upon the Poll any votes which were not actually polled at three o'clock on the fifteenth day, and in making their return according to the

Poll as it stood at that hour. But *to make assurance doubly sure*, I will quote the words of an eminent counsel, whose sentiments on all occasions deserve the utmost possible degree of attention, but whose opinion on this subject must be particularly valuable. I mean Mr. Plumer, who in the Carmarthenshire case, before a Committee of the House of Commons, made some observations, which could not be more applicable to the present occasion, if they had been suggested by a prophetic spirit.

In that case it was contended, that, because there was at the close of the Poll a great number of undecided cases the Election was void, because so many persons were deprived of their franchise. It seems that an examination of those cases after the close of the Poll was never thought of. That project was reserved to distinguish the Middlesex from all other Elections. But to the objection above stated, Mr. Plumer replied as follows:

" By the act which passed limiting the duration of the Poll, it is not competent to any officer to continue the Poll beyond the time which is specified by the act; if he transgresses he is criminal; he is liable to very severe punishment, if *he takes a vote one moment after the clock has struck three.* The hour and the moment are fixed by law. The act has given fifteen days for the largest

largest county in the kingdom, within which time all who chuse may come up to vote: it may so happen, that, using the time with as much industry on both sides as could be, it may not be sufficient, but still the law says, the evil of continuing it beyond that time is greater than the evil of a number of persons not exercising their franchise, and you must lose all opportunity afterwards if you have not found an opportunity of polling within the fifteen days allowed by the law. The Sheriff is bound at the end of that time to sum up the number on the Poll, and to make the return according as the majority may be; he makes the return upon his oath; and I submit the question now is, whether you are to repeal the law, for you are required to say the Election shall be void, provided there are any Voters not polled, whose cases remain undecided, I say that the only effect of that is, that an Elector having tendered his vote in due time, whose case has not been decided, must have it decided before a Committee of the House of Commons, if it be brought before them, and your decisions will place on the Poll all those who in due time tendered themselves, and who upon inquiry *shall appear to have been Freeholders; not men brought ostentatiously to make a shew, as was the case with many persons who were brought merely to swell the number on the last day. Look at the last day, and see what a set of faggots they are, and what a large proportion*

tion which now appear to have been trumped up merely for the occasion, without the least shadow of right.

Mr. Plumer proceeded:—

"The assessor bestowed his whole time in doing what he could to decide the cases, but still it is said there were cases left undecided. Now supposing the case should ultimately turn out to be that, after the Assessor had used all the diligence that a man could, who was employed to make himself acquainted with the cases, and to decide them, and it should appear there were cases waiting to be decided, if there had been time to decide them, and he had not been stopped by the arrival of the hour in which the Poll must be closed, and the numbers summed up and declared, as they stand; the result is not to avoid the Election; the law imposes a duty on the Committee to do that which there was not time enough to do below, to investigate and decide the cases which were left. If the consequence was, that it was to avoid the Election, instead of shortening Elections, and preventing contest and expense, the contest and expense would be increased. The act having provided that the Poll shall not go beyond fifteen days, a number of votes would be regularly brought on the last day, *which the party bringing them knows will be objected to.* Did you ever hear such doctrine as this? *Time is given by law, which the law says*

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is a reasonable time, within which the parties are to bring up their votes. Why do not they come forward in due time?"

I trust I have succeeded in shewing that neither Sir Francis Burdett, nor any of his Voters, has the least reason to complain of the objections made on the part of Mr. Mainwaring, during the late Election; that if any real Voters were deprived of an opportunity of polling for Sir Francis, their disappointment was owing to their own delay, in not presenting themselves before the last day of the Poll; that the conduct of the Sheriffs was just and impartial as well as strictly legal; that if those officers manifested any disposition to exceed their legal powers, it was with a view to act equitably, and that the apparent tendency of their conduct, in that respect, was in favour of Sir Francis Burdett; that Mr. Mainwaring has much more reason to complain of their decisions than Sir Francis, since the former has lost the suffrages of several hundreds of Voters, the officers in the Courts of Law, and Chancery, and in Westminster Abbey, whose predecessors had invariably been admitted to poll, and whose legal right so to do, which had never been called in question till the Election in 1802, was recognized by the Assessor himself. All this is surely more than sufficient to satisfy the most scrupulous mind with regard to the merits of the Election, and the legality of the return. But it happens that the case admits of satisfaction

tion still more compleat. Sir Francis Burdett and his friends complain much that the ten votes which were allowed in his favour, during the examination, after the close of the Poll on the fifteenth day, were not counted upon the Poll; since if that had been done he would have been entitled to the return by a majority of one. It has been shewn that this could not be done consistently with law. But it must be satisfactory to the feelings of the public to know, that, in justice and equity he was not entitled to that advantage, even if the law could have allowed it. For of the ten Voters who then substantiated (as it is called) their right of voting, in the midst of tumult and uproar and alarm, it appears that seven gave in descriptions, which, upon inquiry turn out to be false, and that they are fictitious Voters. Two others claimed a right to vote as members of a society of watermen, who are possessed of a piece of land in the Isle of Dogs, measuring 50 feet by 120, and denominated Potter's Ferry. This society consists at present of upwards of 150 members. In the year 1762 the ground in question was purchased by the society for fifteen guineas. No buildings are erected upon it, and it is used for no other purpose than as a station for the above watermen, who, from this spot, ferry their boats across the River Thames. The members of the society are subjected, in certain events, by their rules and regulations, to expulsion; in which case all their interest in the land

land entirely ceases; so that, in their individual character, they have rather the *usufruct* than the property, which is vested in trustees. Part of their earnings is funded, and an accurate division of the fund takes place. In the last year the dividend was less than 20s. per man, and it has never, in any one year, amounted to 40s. But had it been always upwards of 40s. it would not have given them a right to vote, since it is not produced by the land, nor by their labour bestowed upon the land, but by the use of their boats and oars, and by their industry in an occupation, not even exercised *upon* the land, but which the land only gives them a greater facility in exercising to advantage. A cobler who should earn 40s. per annum in a freehold stall, would not, on account of such earnings, be entitled to vote. For that purpose the stall must be worth 40s. per annum—*to let*. In like manner the interest of each of the ferrymen, supposing it to be liable to no objection in point of tenure, must be of the value of 40s. per annum, without his handling an oar, in order to give him a title to vote. But notwithstanding their evident want of title, two of them attempted to vote for Sir Francis Burdett, on the the last day but one of the Election, and on being examined by the Assessor were not allowed to vote. This, however, did not prevent two others from making a like attempt on the following day; and they are among the ten who were allowed after three o'clock

Thus

Thus are nine of the ten votes so allowed, decidedly bad. The only remaining one is that of a proprietor of the Isleworth-mill, who, like other persons of the same description during the Election, was admitted, because he claimed six shares of that property, which were supposed to give him an interest worth 40s. per annum, although, in point of fact, the property *is in no respect productive;* the mill, indeed, is in a state of complete dilapidation, and not worth 50l. per annum. The admission of such a Voter furnishes a strong proof, in addition to many others, that Sir Francis Burdett has no reason to complain of the partiality of the Sheriffs. But supposing the interest of that Voter to be of sufficient value to entitle him to the elective franchise, still his vote, even if it had been counted upon the Poll, would be set aside by a Committee, upon a petition, for he is not rated to the land-tax.

To afford the public an opportunity of verifying the above statement, the names given in by the persons who tendered the ten votes allowed for Sir Francis Burdett after the close of the poll, with the descriptions they gave of their residence and freeholds, are hereunto subjoined. The names and descriptions of the four Voters, who, at the same time, were allowed for Mr. Mainwaring, are also given, and every one of them is a real Freeholder, and, indisputably, a good vote.

Voters Names.	Residence.	Situation of Freehold.	Nature of Freehold.	Occupiers Names.	Sir F. B.	Mr. M.
Joseph Goss,	7, Paddington, near the Church.	Kentish Town.	House & Garden.	Tho. Oldfield.	—	
William Howell,	46, Bethnal Green Road.	11, Plough Alley, St. George in the East.	House and Shop.	Christ. Goodfree.	—	
Francis Creed,	Bull's-head Yard, Drury-lane.	18, King-street, Drury-lane.	House.	Huddleston.	—	
Richard Day,	4, Jewry-street, Aldgate.	Whetstone, near Barnet.	House & Garden.	Hughes.	—	
Thomas Hague,	Brentford End.	Isleworth.	6 shares in the Isleworth mill, one of the Trusts.	Walcot, Friday, and Others.	—	
William May,	4, George-yard, Shoreditch.	7, Cambden-court, Grub-st. St. Lukes.	House.	Tho. Willoughby	—	
Mat. Burgess,	Greenwich.	Isle of Dogs.	Ferry across the river Thames.	Mathew Burgess.	—	
Richard Starkey,	Ditto.	Ditto.	Ditto.	Richard Starkey.	—	
James Demay,	3, Pelham-street, Mile End.	Globe-lane, Bethnal Green.	House.	John Crafts.	—	
Thomas Bowen,	9, Rose-lane, Spitalfields.	Facing the waterworks Pimlico, St. George, Hanover-square.	House.	Mary Parrott.	—	
William Packer,	Charlotte-street, St George, Bloomsbury.	Castle-street, Longacre, and Earl-street, Seven Dials, St. Giles in the Fields	Storehouses.	George Shum and Others.		—
Tho. Sibthorpe,	Guildford, Surrey.	4, Garden-court, Middle Temple.	Chambers.	Mr. La Motte.		—
John Hitchins,	Catterham, Surrey.	9, Greenfield-street, Whitechapel.	House.	Ed. Woolerton.		—
Robert Handy,	Woodford, Essex.	1, Love-lane, Cockhill, Ratcliffe.	House.	Sarah Wood.		—

Such are the ten votes, which, because they were not counted upon the Poll, have been made the occasion of so much clamour about the "*outraged rights*" of the Freeholders of Middlesex. But notwithstanding that clamour, it appears that the examination after the close of the Poll, instead of entitling Sir Francis Burdett to the return, would, if it could have any legal effect, have encreased Mr. Mainwaring's majority, and that this gentleman, even if the Isleworth miller had been counted for Sir Francis, would have had a majority of eight instead of five. And thus it appears, upon the most satisfactory grounds, that *justice* and *equity*, as well as *law*, are in favour of the return which has been made.

But although neither law nor justice has been violated on this occasion, Sir Francis Burdett is held forth as a most injured and oppressed man, and a lively interest has been thereby excited in his favour among the unreflecting part of the community. The return, to which it so manifestly appears that he has not a shadow of right, either legal or equitable, and from which, at the close of the Poll, he would have stood at an immense distance, if he had not been enabled to approach it so nearly by the aid of fictitious and perjured Voters; that return has been made a pretext to raise an outcry throughout the kingdom for the "outraged rights" of the Freeholders of Middlesex. The

cause

cause of Sir Francis Burdett has been artfully represented as involving a great constitutional question, on the issue of which the rights of Election, and the franchises of all Electors, are said to depend. The better to enable him to assert his claim to the return; or, in other words, to vindicate the rights of the ten pretended Electors who were allowed to vote for him *after* the final close of the Poll, a general subscription has been opened; and in many places the labourer and the artisan have been solicited, by persons going about from door to door, for their contributions in his behalf, although, not long since, he reviled his competitor for being unwilling to engage in a contest with such an adversary, unless supported by the liberality of the Freeholders, who called upon him to avenge the wrongs, and to wipe away the disgrace of the country.

It is difficult to believe that any pecuniary consideration could induce such a sacrifice of pride on the part of a man, whose boast it so lately was that he stood on the high ground of a splendid fortune, and an independent spirit. This application, therefore, to the lower classes, for contributions in a cause in which they have no apparent interest, and in which, if any injustice has been done, the law affords a complete remedy, implies something *more than meets the ear*. So extraordinary, so humiliating a measure, incapable of being satisfactorily accounted for by its ostensible motive, denotes a conti-

nuance of those efforts which, during the last two Elections, have been directed to the excitement of popular discontent and commotion. The alarming success of those efforts, and the astonishing effect they have produced in inflaming, almost to madness, the passions of the multitude, must convince every reflecting mind of the fallacy of that appeal, which, in reasoning on the domestic dangers of the country, is so often made to the known and undoubted loyalty of the people at large, as a proof that we have nothing to apprehend from the machinations of agitators and demagogues, or from the seductions of jacobinism. That the dispositions of the inferior orders, *if left to themselves*, would be loyal, is indisputably true. But the minds of this most numerous part of the community being necessarily uninformed, and unaccustomed to reflection and discrimination, are little qualified to detect fraud, or to discover fallacy; they are, therefore, always exposed to be misled by artful and designing men, who find it no difficult matter to inspire them with restlessness and discontent, by expatiating, either on the disparity, which is inseparable from a state of human society, or on the peculiar circumstances of the times. Surely it cannot yet be forgotten how this country has been convulsed by the levelling doctrines of the infamous Paine, and the insidious arts of his revolutionary associates. The topics by which, under the seductive title of the "Rights of Man," the above

anarchist

anarchist produced a ferment, which, increased by the fascination of Gallic example, seemed to threaten a revolution, were of a general kind, and applicable to the country in its happiest state. But particular topics, whether physical or political, can never be wanting, to excite, with the aid of perversion, the lower classes to disaffection, and to fix in their honest but unsuspecting hearts the canker-worm of discontent: and there are always ready, for such purposes, two descriptions of men; those who would expose their country to any danger, rather than not realize their wild dreams of personal aggrandizement; and those who wish for confusion, that they may have an opportunity of pursuing, free from the restraints of law, their licentious schemes of rapine and depredation. Of a season of scarcity, such men never fail to take the basest advantage, by persuading the poor that all the hardships they suffer are owing to the fault of government. It is fresh in our recollection that such a period of national calamity, which of all events most deeply affects the feelings of those who must labour for subsistence, has, by being wickedly made the occasion of popular excitement, been repeatedly fraught with imminent danger to the state. Without, however, the existence of any real hardships, it is often in the power of incendiaries, by a recital of imaginary, and altogether fictitious grievances, to inflame the passions of the multitude, and dispose them to the ut-

most excesses of outrage and violence: and with what facility this can be done, by the mere power of delusion, the county of Middlesex has, of late, repeatedly had the most melancholy experience.

Throughout that county, and the metropolis contained within it, the minds of the labouring classes, on both the occasions above alluded to, were wrought up to a pitch of fury, which could scarcely have been exceeded, if they had been long subjected to the most severe and wanton tyranny; and they were led to espouse the interests of Sir Francis Burdett as warmly, as if they had depended upon him for deliverance from the most galling yoke of oppression. The direction, too, which was given to their rage, was the most mischievous that could be devised by malignant ingenuity. They were instigated and exasperated, not merely against a particular candidate, a political party, or the minister of the day, but against the magistracy, against the laws, against the administration of justice; a respect for which is the source of all confidence in society, and the cement which gives stability to its institutions. In order to impart so destructive an impulse to the multitude, it is natural to suppose that some extraordinary instances of severity and injustice had occurred in the tribunals of justice; that there was just reason to complain of gross abuse of the magisterial office; that the laws,

instead

instead of affording protection, had been converted into engines of oppression. No such thing. The stream of justice had continued to flow with unsullied purity—the laws had been administered with undeviating impartiality—and the integrity of the magistrates had been unimpeachable. Not a single instance had occurred, which could excite the least apprehension for that palladium of every British subject—the certainty that no one can exceed the powers entrusted to him by law, without being subject to a severe retribution.

A confidence in the administration of justice is the bond of social quiet and harmony. But in vain shall we expect such confidence to prevail, unless respect be paid to those by whom justice is administered. The character of Magistrates is therefore a concern of the highest importance to the welfare, nay, to the safety of the state. The selection of those who fill that station is an act that involves an awful responsibility; and the most solemn obligation is imposed upon those who are so selected, not merely, by an able and upright discharge of their public functions, to "execute justice and to maintain truth," but also in their private lives and deportment to display an example, the influence of which may give vigour to those laws, which it is more immediately their duty to enforce, and which are made for the protection of the grand

bulwarks of society—its religion and morals. How desperately wicked then is the attempt which has been made, to prejudice the minds of the public against the Magistrates of the first county of the kingdom, by representing them as guilty of the grossest possible abuse of their public functions, in permitting, and encouraging, the most savage cruelty, on prisoners who were under their protection! No one who considers that purity of our administration of justice, in all its parts, which is the boast of this country, and the admiration of the world—no one who remembers that among us punishment is ever inflicted with the utmost humanity, and that the rights even of the guilty are sacred and inviolable—would conceive it possible for such an attempt to be attended with any success. But the ever credulous multitude have, nevertheless, been persuaded to believe, that a British prison has been the scene of torture, and that, within the walls of the House of Correction in Cold Bath Fields, a monster in human shape, appointed, continued, and countenanced, by the County Magistrates, has exercised the most ferocious barbarity on the prisoners under his care. The tribunals of the inquisition, or the prisons of revolutionary France, could scarcely furnish tales of greater horror than those which, at the election in 1802, were related of the above prison, to which, for purposes too obvious to require explanation, was given the appellation of "the BASTILE." So flagitious, indeed, were the proceedings

proceedings in the English Bastile represented to be, that Sir Francis Burdett, waving all other merits, made it his principal recommendation that he had denounced, and would endeavour to punish, the perpetrators of the atrocities which had been there committed, and in which his competitor was charged with being a principal party. He expressly stated the question to be—not the choice of Burdett or Mainwaring, but whether support should be given to " that gaol, with all the *cruelties and tortures*, and all the MURDERS BY TORTURE connected with it, and resulting necessarily from the system by which it is regulated." He described the contest to be " not an ordinary struggle between the independent interest of Middlesex and the influence of the court and corruption," but " an effort on the part of British freedom, justice, and humanity, to oppose *injustice, cruelty, tortures, arbitrary and solitary confinement, bastiles, and all the horrid catalogues of crimes that are practised in such places.*" And having succeeded, by the aid of such statements, and of other means still more atrocious, in obtaining the return, he hurled open defiance, in language the most insulting, against whatever is most venerable among us; and boasted that he stood " upon a rock, from which" he could not " be removed by any *hired Magistrates*, PARLIAMENTS, *or* KINGS."

It is scarcely credible that such charges could be advanced against any set of men, and particularly against men invested with the high and

important functions of magistracy, without some foundation in truth. Happily, however, for the national character, the archives of the state contain a complete refutation of those charges; proving that all the tales of cruelty, respecting the House of Correction, which poisoned and inflamed the minds of hundreds of thousands of persons in the heart of the kingdom, and disposed them, if opportunity had offered, to avenge on their superiors, on the magistrates, and on the government, what they supposed to be the wrongs of their countrymen and of humanity—that all those tales were pure fiction;—that instead of being, as might have been supposed, the effect of exaggeration, swelling, to an enormous magnitude, some rare and minute instances of hardship and severity, they rested on no other ground than invention;—that there had been nothing in the conduct of the prison in Cold Bath Fields which warranted the slightest charge of undue rigour;—that whatever faults there might have been in the management of that prison, and in the conduct of the governor, those faults were on the side of indulgence;—and that the character of Mr. Aris, the governor, was even distinguished for humanity. In consequence of the reports which had been spread on this subject, the House of Commons, properly feeling that the administration of justice, like Cæsar's wife, should be above all suspicion, instituted two inquiries of the most formal and solemn kind, into the state and management of the above prison; one, by a committee

tee of its own members, and the other, by means of an address to the Crown, which, at its request, appointed eight gentlemen of high respectability for the above purpose. The result of these inquiries was as satisfactory as it was authentic; and the records of parliament contain the reports both of the Committee and of the Commissioners. The first stated the result of their investigation to be "a full and direct refutation of *the unfounded statements*, and *absurd and wicked reports* which had been industriously circulated with respect to the prison and its internal management;" and, by a distinct resolution, they declared it to be their opinion, "that the attention of the magistrates to the general management of the prison had been exemplary and meritorious." The Commissioners went still farther, for they reported specifically the result of their inquiries respecting the personal character of Mr. Aris, and they declared explicitly, that "with regard to Mr. Aris's general character for *humanity* among the prisoners in his custody" they "found it UNIMPEACHED;" adding, that his deviations from the rules of the prison had "been uniformly on the side of indulgence to his prisoners *."

But

* The case of alleged severity in the house of correction, which, excepting that of the fabulous sufferings of Mary Rich, called forth the loudest complaints, was that of Colonel Despard. Those complaints derived a temporary weight from the circumstance that a gentleman of great respectability was induced to apply to the Secretary of State, in order that the Colonel

But Sir Francis Burdett himself may be vouched as a witness, to prove the falshood of those denunciations against the House of Correction, its governor, and the magistrates of the county, by which, as a patron and protector of the oppressed, he had claimed the suffrages of the Freeholders of Middlesex, and the support of the rabble. Having obtained the return, he sat nearly two years in the British parliament, as a representative of Middlesex. During the whole time that he appeared in that character he did not make a single attempt to institute an inquiry into the abuses of the prison. He did not, as a *member*, utter a single complaint in behalf of the unhappy victims, of whom, as a *candidate*, he had been so strenuous a champion. Can a stronger proof be desired, or even conceived, that all the tales of cruelty and torture by which he had gained the affections of the rabble, and by which he had even prevailed on many of the Freeholders to support his interests, were calumnies, invented to serve the purposes of an Election, and to dispose the minds of the multitude to disaffection?

Colonel might enjoy better accommodation in prison. But the situation of this prisoner could not be fraught with any extraordinary severity, since the above gentleman, upon his examination before the Committee of the House of Commons, described the Colonel's bed, which had been made a principal topic of complaint, to be such an one as he himself had been accustomed to sleep in at Eton. The Committee inquired particularly into the circumstances of this case, and in their report to the House expressly falsified the charges of severity which had been made respecting the treatment of Despard in prison.

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This omisson is so glaring and so conclusive, that Sir Francis Burdett has endeavoured to weaken its irresistible effect, by stating that, in a former parliament, he had brought forward the charge, and demanded investigation, pledging himself to substantiate it by proof, but that *the inquiry was refused.* If this had been literally the case in the *former* parliament, nothing could absolve Sir Francis from using his utmost endeavours to prevail upon the *new* parliament, in which he appeared in a *new* character, *as representing the County of Middlesex*, to institute an inquiry upon so interesting a subject. But the above statement is completely at variance with the fact. It has been shewn that two inquiries were instituted, in the former parliament, respecting the prison in question; and it is not pretended by Sir Francis Burdett that, on either occasion, there was the least impediment to his adducing all the proof in his power, respecting the real practices in the prison. The result of those inquiries has been stated. Surely it is too much for Sir Francis to expect any man to give credit to accusations, brought forward by himself merely to serve a purpose, and virtually abandoned when the opportunity of confirming them presented itself, rather than to the deliberate reports of two such bodies of men, as Commissioners of the Crown, and a Committee of the House of Commons; men who, to say nothing of the respectability

spectability of their characters, acted under the high and solemn responsibility of a public trust.

Having, after sitting two years in parliament, been deprived of his seat by the report of a Committee, which stated that his return had been obtained by *corruption* and *perjury*, he disqualified his competitor, who was by the same report declared to have been entitled to the return, upon a charge of *treating;* a charge, the truth of which involves no moral turpitude, and the legal effect of which has, till lately, been doubtful. He thereby obtained another opportunity of offering himself as a candidate for the county; and in his introductory advertisement, notwithstanding his silence for two years on the subject of the prison, he dared to renew all his calumnies on that subject, and he crowded them all into a single expression, the generality of which extended the attack to all the prisons in the country. "ENGLISH PRISONS," says he, in that advertisement, "ARE DENS OF OPPRESSION AND TORTURE, AND THE LIVES OF OUR FELLOW-SUBJECTS ARE WICKEDLY AIMED AT UNDER COLOUR OF JUSTICE." And in his speeches from the Hustings he took care to keep alive the indignation, which he had been the means of exciting on this subject, by occasional allusions to "Jailor Aris," whom he represented, in one speech, as "a miscreant," and an "instance of *protected cruelty*."

It

It might be reasonably supposed that, after his dereliction, in parliament, of the charges which he had heaped upon the prison in Cold Bath Fields, Sir Francis would have been universally considered as a foul calumniator, and that of course he would have lost his political consequence, and have ceased to be the idol of the mob. But whoever judges in this way knows little of the powers of delusion, possessed by artful men, who, assuming the character of patriots, take advantage of the credulity of mankind. It was plain that Sir Francis Burdett, instead of having lost ground with the multitude, by the desertion of what two years before he had persuaded them to consider as *their* cause, was a still greater favourite with them than before; that their enthusiasm for him was even increased, and that he retained complete possession of their minds. Sir Francis did not fail to improve these advantages to the utmost, by fomenting the popular indignation which he had excited against the magistrates and the laws; and having, by the means which have been described in the foregoing pages, succeeded in establishing so many fictitious votes, that he was, at the close of the Poll, within an hair's breadth of the return; he now endeavours to raise another flame through the country, or rather to add fuel to that which he had before blown up, by pretending that he was deprived of the return by the partiality of the returning officers, whose conduct, besides having been strictly

impartial

impartial (unless indeed it was rendered otherwise, in some instances, by an extreme solicitude not to give Sir Francis Burdett even a plausible pretext for complaint), is most clearly defensible on the grounds both of law and equity.

The inceasing, nay, the increasing devotedness displayed at the last Election, by the most numerous class of the community, for their political idol, is the more surprizing, and abundantly the more alarming, because since the former Election some events had occurred, which could not fail to confirm the strong suspicions which before generally prevailed, that the object of their affections was decidedly hostile to the institutions of the country. The events I chiefly allude to were the conviction of Despard, and the County Meeting at Hackney, in July 1803.

Among the prisoners in the House of Correction, in Cold Bath Fields, the one for whom Sir Francis Burdett most interested himself, and with whom indeed he was most intimately connected, was Colonel Despard. This gentleman was one of those persons who were confined, on suspicion of seditious practices, by the authority vested in government, under a temporary and partial suspension of the Habeas Corpus Act. But although the peculiarly alarming circumstances of the times, and a due solicitude for the public safety, most fully warranted, in the public mind, jealous as it always is of every stretch of power, both the creation and the application of the

the above authority, yet it was uniformly contended by Sir Francis Burdett, and some other persons, that the confinement of Colonel Despard and his associates was a most oppressive act, and that there was not a pretence for suspecting them of seditious practices ; nay, not of the least disaffection towards the king or his government. Openly, indeed, did Sir Francis Burdett espouse the interests of Colonel Despard; most loudly did he complain of the wrongs inflicted on his friend. While the intimacy subsisted between them, Colonel Despard was apprehended in the act of corrupting the soldiery, and of inciting them—horrible to relate—to the murder of their Sovereign ! which most attrocious deed he declared himself ready to perpetrate with his own hands ! On a charge of High Treason he was arraigned, and, on the clearest evidence ever brought before a jury, convicted. It is urged, indeed, that there have been cases in which innocence was found to have been intimately associated with guilt ; and it is therefore attempted, on the present occasion, entirely to supersede the ancient maxim, *Noscitur ex Sociis.* The existence of such cases, is not denied. But if they be examined they will be found to contain one circumstance, which cannot be discovered in the intimacy of Sir Francis Burdett with Colonel Despard. The criminals who, while engaged in violating the laws, have maintained habits of intimacy with men of irreproachable conduct, were hypocrites. They preserved

preserved an unblemished character; and the astonishment which the discovery of their guilt universally excited, precluded all doubt that had worn the mask before their most intimate associates, as well as before the public, and consequently no one thought the worse of the former for the connection. Besides, the crimes of those offenders, whose names naturally occur on this occasion, were of such a nature, and attended with such circumstances, that the perpetrators might indulge a hope of being able to conceal them from their most confidential friends. Not being in the habitual course of offending, and compelled, perhaps, by some pressing difficulty, the natural result of extravagance and vice, to a single act of criminality, they flattered themselves that they should not only escape detection, but also preserve undiminished the esteem of their friends, as well as the good opinion of the world. Such was the case of Dr. Dodd; and, therefore when his guilt was brought to light, no one suspected his most intimate associates to be privy to his forgery. How different from such cases is that of an intimacy with a criminal, who, after being long generally suspected, and even accused, of malpractices, is at length brought to justice! It is rather too much for the associate of such an offender to claim a character above suspicion, when the guilt of his friend has been expiated by the penalties of

of the law. Least of all, can such a claim be allowed, when notorious practices of a seditious nature have, at length, terminated in treason. The suspicion of any crime, unless it can be completely wiped away, will injure a man in the opinion of the world; and yet the partiality of friendship may induce a persuasion, even under ambiguous circumstances, that no guilt has been incurred, and may impose a generous obligation, not to abandon the merely unfortunate friend. But a seditious disposition is generally accompanied with so much zeal, and is so prompt to display itself, particularly in the unbending moments of social intercourse, that the supposition of its concealment from the intimacy of friendship is an absurdity, amounting almost to a paradox. Besides, persons of the above disposition are ever known to choose for their associates men of congenial sentiments; so that in this case, particularly, the maxim, *noscitur ex sociis*, is reinforced by a kindred maxim, equally just, though of inferior celebrity, *similes cum similibus*.

The anomalous case of Arthur O'Connor is, perhaps, the only one that furnishes an exception to the above maxims. But even in that case, nothing but the extraordinary display of loyalty, which had distinguished the *whole political lives* of the individuals who, at Maidstone, staked their own reputations on the character of their friend;

nothing but their *great* and *uninterrupted* exertions in support of the government of their country, against its *foreign* and *domestic* enemies, and their particular zeal against those enemies (foreign and domestic) who sought to make us follow the example of that " stupendous monument of human wisdom," the French revolution; nothing but the noble *disinterestedness* with which they had sacrificed all *party views*, and all projects of *personal ambition*, in order to cement the *union* of the country, when *divisions might have proved fatal to its existence;* nothing, I say, but a striking and unexampled concurrence of all these proofs of loyalty and patriotism, could possibly have preserved those individuals from the suspicion of being privy, if not to the treasonable projects of O'Connor, yet to the sedition of his mind, and the disaffection of his heart. But I fear that Sir Francis Burdett cannot avail himself of the like advantages, after the detection of a friend who had long been a suspected character, and who had been even confined for seditious practices; and that he cannot, the circumstance that the persons above alluded to have thought him an improper person to be admitted into their society, at the convivial meetings of the Whig Club, would, itself, afford sufficient proof.

The least that might have been expected from Sir Francis Burdett, if, upon the detection and conviction of Despard, he wished altogether to dissociate

dissociate himself from that criminal, was publicly to disclaim him as a friend, the moment he knew him to be a traitor—to acknowledge his punishment to be just---and to express an abhorrence at his crime. The total neglect of Sir Francis to do this, upon the conviction of a man of whose loyalty he was a pledge, and for whose good behaviour, upon his discharge from prison, he was a security to the law, affords an additional ground to consider his general character as implicated with that of his friend. But, supposing that the connection of Sir Francis Burdett with Despard could be assimilated to those cases, in which criminals, by eluding all suspicion, have concealed their real characters from their nearest friends as well as the rest of the world; supposing *that* connection to have been merely a misfortune which might have befallen any loyal man—a supposition, however, from which the mind of every loyal man instantly revolts—is it possible to consider, in the *same* light, his intimacy with *all* the disaffected persons, whose characters are well known to the public, and who have been the chief associates of his political life? Was it his *misfortune* to be so closely connected with Horne Tooke, and the other framers and ringleaders of that conspiracy, which was fully proved at the Old Bailey, although the ingenuity of Counsel, *unsanctioned* by the authority of the Bench, persuaded the Juries to think that they could not *legally* convict of high

 treason,

treason? * Was it his *misfortune* to count among his best friends the chiefs of those clubs, which differed from Despard's clubs at the Oakley Arms and elsewhere, only in the means by which they respectively sought to subvert the government—the latter endeavouring to effect that object by a bold and desperate attempt at insurrection, and the former pursuing it insidiously, and with far better chance for success, under the specious pretext of aiming only at parliamentary reform, and of introducing *a fair and equal representation?* Was it his *misfortune* that, in his visits to the prison in Cold Bath Fields, his sympathy was engrossed by the mutineers in the navy, and by the persons who were confined for seditious practises, while he displayed not the least solicitude for the prisoners who were accused only of ordinary offences? that with all the *Londoners*, charged with sedition, he seemed, during those visits, to be *well acquainted?* and that his conversation excited so turbulent a spirit, particularly among the mutineers, that apprehensions were entertained for the safety of the prison? That so

* It has been artfully insinuated that, because the Juries, on those occasions, did not convict of high treason, they did not think the parties guilty of sedition. But I heard one of the jurymen declare immediately after the trials, that the Jury in which he had acted lamented exceedingly that the prisoner had been charged with high treason, because they were thereby precluded from finding him guilty of an inferior offence.

many

many misfortunes, of so extraordinary a kind, should befal the same individual, is not to be accounted for upon any doctrine or calculation of chances; and it will scarcely be thought possible by any one who cannot believe that the world, which we inhabit, was originally produced by a fortuitous concourse of atoms.

It appears, then, that the maxim, *noscitur ex sociis*, may still be retained in our proverbial code of political and moral wisdom, from which it must have been expunged if the character of Sir Francis Burdett's associates—nay, if that of Despard, singly considered—could not be allowed to have any effect upon the public opinion respecting Sir Francis himself.

But since Despard's conviction, another circumstance has occurred, since the Election in 1802, which the public has considered as still more demonstrative, than even that event, of Sir Francis's real disposition and views. I allude to the proceedings which took place at a meeting of the Freeholders of Middlesex, at Hackney, on the 2d of August 1803, in consequence of the very extraordinary language of Sir Francis Burdett, in the preceding week, at the Crown and Anchor tavern, on the occasion of a meeting of his friends to commemorate the anniversary of his Election. In an address to the last mentioned meeting he was said to have uttered the

following expressions, which every one must feel to be impossible to pass the lips of any man, whose heart is not full of the most desperate mischief. " If your government want sailors to perform a particular act, though on most occasions tardy justice they do them, yet they hold out something to amuse them; either the prospect of a more equal distribution of prize money, or some other object." He was also stated to have said, " Men should not fight till their grievances are redressed;" and, a little afterwards: " I have no hesitation in declaring that in the present situation of the country, viewing the conduct of Ministers in the light I do, I think it impossible for an honest man to come forward in their defence, or *to be justified in lending an assisting arm in defence of their Country.*" No comment on the above language can increase the indignation, or the horror, with which the perusal of it must inspire every honest breast. But it deserves to be noticed that, in another part of the same speech, Sir Francis describes the remedy, which he insists on being applied to the evils of which he complains, and the application of which is, of course, in his opinion, an indispensable preliminary to the defence of the country. " There is" (he said) " an absolute necessity, in order to remedy those evils, that we should be *fully and fairly represented in Parliament?*" Now this is a remedy of which Sir Francis

Francis seems never to lose sight; for at the Election in 1802 he stated a conviction of its indispensable necessity to be the ground on which he then stood. And although it is far from exciting so much alarm, as the thought of invasion or rebellion, yet it implies something more dangerous than either. A full and fair representation is precisely the remedy, by which Sir Francis Burdett's friends, the Corresponding Society, have been so long endeavouring to destroy the Constitution; and nothing can possibly be better calculated to effectuate that object. For according to the sense in which that Society was proved, at the trials at the Old Bailey, to have used the term, and which indeed is the only sense it can bear, a full and fair reresentation denotes neither more nor less than—*representation by universal suffrage;* which must, the very moment it is introduced, supersede the Legislature, and put an end to the British Monarchy. Unless, therefore, a measure be adopted, the immediate effect of which would be the subversion of the Throne, Sir Francis Burdett cannot consent that the country, which he insidiously calls the country of Ministers, but the safety of which affords us the only refuge from horrors worse than death—he cannot consent that this country should be defended!

 The language, above attributed to Sir Francis Burdett,

Burdett, is so precise and unequivocal as to be incapable of misconstruction, and so malignantly mischievous as to preclude the possibility of a doubt, that the man, who is capable of using it, is actuated by the most rancorous hostility to the existing government of his country. There could therefore occur but one question upon the subject. Had Sir Francis really used such language? If he had not, it was surely incumbent upon him instantly to repel the foul aspersion, and to bring the base libellers of his character to justice; and the bare omission to contradict a charge which, if credited, must for ever sink a man in the public estimation, would amount to a full recognition of its validity. No such contradiction, however, was brought before the public; and an occasion soon occurred on which Sir Francis could not fail, either to deny that he had uttered such expressions, or, by neglecting to make that denial, to admit that he had. This occasion was the meeting at Hackney, in the following week. The nature and object of that meeting afforded him the most cogent motives, to rescue his character from the imputation which had been cast upon it. It was a meeting of Freeholders of the county which he then represented, and whose good opinion it was so much his interest to cultivate; and this meeting was convened for the purpose of addressing the Throne, on the dangerous situation of the country. The motion for the address was carried, and,

and, upon its being then moved that it should be presented by the two representatives of the county, a gentleman called upon Sir Francis to say whether the charges, which had been brought against him in a certain print, and which *imputed to him the above expressions*, were well founded? Sir Francis, in reply, did not attempt to contradict those charges. He did not pretend to deny that he had spoken the *very words* which had been ascribed to him. He entered into an explanation of those words, and thereby admitted them to be his own; and the explanation attempted by him was of such a nature, as to increase his criminality in the eyes of the meeting, which accordingly displayed the liveliest indignation, and, by resolving that Mr. Byng only should accompany the Sheriffs to the Throne, declared, in the most pointed manner, that they considered Sir Francis Burdett an improper person to appear, with their address, in the presence of his Sovereign. I should not think it worth noticing that even Mr. Travers concurred fully in these feelings and proceedings, if it were not for the purpose of observing, that the above gentleman became one of the most strenuous partisans of Sir Francis Burdett, at the late election, and pretended that, in so doing, he was supporting what he chose to call *the good old cause*. As Mr. Travers has once offered himself as a candidate to represent the City of London, and may possibly

sibly do so again, it may not be amiss to remember that he understands *the good old cause* to be the cause of a man, who was the associate of Despard and O'Connor---and who thinks that, in the present situation of the country, no honest man can be justified in lending an assisting arm in its defence!

The seat in Parliament obtained by Sir Francis Burdett, as a representative of the county of Middlesex, being declared vacant, he did not scruple again to offer himself as a candidate to represent that county. It could not be doubted that the Freeholders of Middlesex would, on such an occasion, reproach him for the language which he had uttered at the Crown and Anchor. This was accordingly done in the most public and explicit manner. Not indeed, as was to be expected, from the Hustings; *that* was rendered impossible. For while he stood forward as the avowed champion of the freedom of election, his hired mob would not suffer any person, except himself and his friends, to be heard from the Hustings, during the whole election. But a narrative of the proceedings, at the Middlesex meeting at Hackney, was circulated throughout the county. If it could be conceived possible for Sir Francis Burdett, from meekness, or pride, or sullenness, to have voluntarily acquiesced so long in the heavy charges repeated in that narrative, respecting his language

guage at the Crown and Anchor; still it is impossible to doubt that he would have been eager to contradict them, if they could have been contradicted, when the belief of them by the Freeholders of Middlesex would, in all probability, prevent him from regaining a seat in Parliament, which seemed to be the object nearest his heart, and for the attainment of which he had expended, and was again ready to expend, a considerable fortune. That seat he would have regained, if he could have proved that he was falsely accused of uttering the expressions imputed to him, respecting the defence of the country. For he was, at the close of the Poll, within *six* votes of the return; and a belief in the above accusations deprived him of the suffrages of a *far greater* number of real Freeholders, who voted for him at the former election, and who, at the last, either voted for his competitor, or remained neuter. His expressions at the Crown and Anchor, therefore, are among the principal causes of his losing the election. Nor was he insensible of their influence, before they produced that effect. For in his speeches he frequently alluded to the charges which were brought against him, of which the one in question was indisputably the heaviest; and he complained that those charges had operated most injuriously against him, by *increasing the force of his adversary, and damping the exertions of his friends.* Still no denial of the words at the Crown and Anchor. Nay, he did

not

not even venture upon a distinct or specific allusion to those words. He contented himself with applying, in the lump, to all the imputations on his character, and to this, among the rest, the general, the vague, and for the purpose of exculpation, the totally inefficient appellation of *calumny*. This was all the answer he gave to accusations, which struck at the last remains of his character for loyalty and patriotism, and on the refutation of which depended his best chance for that return, which he was exerting the most gigantic and hazardous efforts to obtain. But even the word calumny lost, in his mouth, its ordinary force, and used on such an occasion, its effect was prejudicial to the person complaining. For it could not fail to bring to recollection the most foul and atrocious calumnies, to which he had been, in a great measure, indebted for his success at the former election--and to suggest that, of all men living, he was the least authorised, in any possible case, to use that term. At the same time it was impossible not to observe a striking contrast between the calumnies of which he was the author, and those of which he complained. The former had been uniformly met, from the very first, by a most solemn and unequivocal contradiction, and by a defiance to substantiate any one of them by proof; and they were, at length, declared to be utterly unfounded, by bodies of men, of the first respectability, appointed by competent authority for the very purpose of investigation:—the latter, besides

besides being authenticated by the notoriety of facts, have never been contradicted, nor even controverted in any manner which could put their truth in issue; and they were confirmed by the tacit acquiescence of the party accused, even when the success of his most favourite projects depended on their refutation.

It deserves also to be noticed that the charges, exhibited against Sir Francis Burdett, appeared in the form, seldom assumed by calumny, of distinct and specific allegations, respecting matters of fact. Such were the charges—that he continued his intimacy with Despard, almost to the very moment when the latter was apprehended, and was even seen walking with him, arm in arm, the very day preceding that event: that not long before the apprehension of O'Connor, the lease of a country house * was purchased for him by Sir Francis: that, when that traitor was arrested, Sir Francis and his friend, Colonel Bosville, offered to be bail for him in any sum: that, before the conviction of the same traitor, his property was assigned to Sir Francis, for the purpose of defrauding the Crown of its rights: that a chaise of a particular construction, containing private pockets for the purpose of secreting papers, and which was in the possession of O'Connor when he was apprehended, had been made by the order of Sir Francis, who,

* At Elstree.

after

after some hesitation, thought it prudent to pay the coachmaker's demand for the same: and that, at a public meeting, he uttered those expressions, which induced the Freeholders of Middlesex to consider him an improper person to present their Address to the Throne. The repetition of all this, though disgusting, is useful, as it serves to shew that what Sir Francis called calumnies, were not vague aspersions, which, by their generality, evaded inquiry, but precise statements of specific transactions, which, by their circumstantiality, invited the accused to put the accuser upon the proof. The entire omission of Sir Francis to deny such charges, affords full confirmation of their truth. Considering, indeed, the known parts of Sir Francis Burdett's character, the supporters of Mr. Mainwaring's interests must have been out of their senses, if they had risked their cause by resorting to calumny, or even to exaggeration. Insincerity is, doubtless, a heinous crime, nay, the germ of every vice; but when nothing can be more favourable to success than the *truth*, insincerity must denote a disordered head, as well as a depraved disposition.

But Sir Francis, though he did not venture to face the attacks which he termed calumniatory, yet he endeavoured to shield himself against them under the protection afforded him by those high

high characters, whose support was a theme on which he and his friends loved to dwell. Such, however, is the celebrity of Sir Francis's name, that all who espouse his interests, be they who they may, are far more likely to lower themselves, than to raise him, in the public estimation. There is not a nobleman or gentleman in the kingdom, whose character can bear himself harmless in a political association with Sir Francis Burdett. If a living body consent to be tied to a dead one, instead of bestowing animation upon its ally, it will, itself, however vigorous, be soon infected with the contagion of putridity. It is not merely by his associates that Sir Francis is known to the public. He is not a luminary that shines by the aid of borrowed light, but one that sheds its own rays on all bodies which move within its sphere. If, therefore, it be true, as his advocates often boast, that some of the great and illustrious Houses of this Kingdom have favoured the cause of Sir Francis Burdett, that circumstance will rather prove those Houses to be a rotten part of the Aristocracy, than make Sir Francis Burdett a sound Member of the body politick. Mr. Peter Moore might, indeed, without risking much, brave the maxim, *noscitur ex sociis*, by presenting his friend to an Election mob as "an immaculate character, without a spot and without a scratch;"—nay, even Mr. Byng, after countenancing, by his silence, those calumnies which, at the former election were,

were, in his presence, heaped upon his brother Magistrates, and which he knew to be utterly false; Mr. Byng, I say, after thus abandoning to unmerited obloquy the body of which he was a member! might, with perfect consistency, during the last election, maintain a *Prussian* neutrality in the North, while all his influence was exerted in the South, in favour of Sir Francis Burdett; but surely the Genius of Britain must have turned, with weeping eyes, from the scene, which exhibited the Cavendishes—the Howards—and the Russells—patronizing a man, who had publicly declared, not long before, that the country ought not to be defended till its grievances were redressed—and countenancing a cause, which was openly supported by the foulest accumulation of systematic perjury, that ever profaned earth, or insulted Heaven.

A comparison between the two last Elections for Middlesex, in regard to the system pursued by the Candidates respectively opposed to Sir Francis Burdett, suggests a lesson too valuable to be suffered to pass without particular attention. On the former of those occasions a gentleman, who was recommended by great length of Parliamentary service, as well as a high and irreproachable magisterial character, was defeated by the combined operation of calumny and perjury; and of that gentleman, it was truly said by his near relative, with a reference to that contest, that "he had

had borne his faculties too meekly;" on the latter occasion, the victor over this gentleman was himself vanquished, although he again employed the same means as before, by a candidate, against whom the circumstance of his being a stranger to the political world was made to operate with very considerable effect. If it be a just cause of reproach to a young man, before he enters into public life, to be unknown as a public character, the present representative of Middlesex was certainly liable to that reproach; and it might, perhaps, be well for his adversary, if he were subject to the same imputation. It is not, however, to be presumed, that Mr. Mainwaring, junior, arrogated to himself any right to the high honour which he has obtained. He did not obtrude himself upon the county; he did not even offer himself to the Freeholders of Middlesex. But when every man of "*tried talents*" kept aloof; when the *ancient Aristocracy* of the county abandoned it to its fate; when no other individual could be prevailed upon to oppose the insulting pretensions of Sir Francis Burdett; then did Mr. Mainwaring, with becoming spirit, accede to the proposal of engaging in a contest, from which all other persons seemed to shrink. I am not the eulogist of any man, and I admit that Mr. Mainwaring has still to establish his political character. But, on two accounts, I augur well of that character; first, from his avowed principles, which are those of the Constitution in Church and State---not, indeed,

deed, as understood by the Whig Club, but as established by Law; and secondly, from his intrepidity, in entering the lists with so redoubted a champion as Sir Francis Burdett, and from the undaunted firmness which he displayed, until he drove such an adversary from the field.

It should never be forgotten that the triumph which this gentleman has obtained, and which, considering to whom he was opposed, affords every friend of social order just cause for rejoicing, is materiallyowing to the novel kind of resistance which has, on this occasion, been opposed to calumny. Till then, that foul mouthed fiend had been resisted only by a refutation of his falsehoods. But when calumny acts as the principal ally of Jacobinism, this mode of defence will never avail against such an enemy, whose envenomed darts are then sure to pierce the breast, which depends solely for protection on its own innocence. It was by trusting to this protection that Lewis XVI. lost his crown and his life, and enabled those allies to involve his country in anarchy. Against such enemies the only effectual mode of defence is—attack. They can be vanquished only by being vigourously assailed. They must be made to act on the defensive. It is because they have not been combated in this manner, that they have succeeded in reducing almost the whole of Europe to degradation and slavery. But at the last Middlesex election they were so combated; and the result strongly recommends this system of warfare

fare to all the opponents of revolution and anarchy, throughout the awful contest they have still to maintain, and of the termination of which there is alas! as yet, no prospect.

It is not however to be supposed that the triumph, which has been thus obtained, was gained by the aid of any other weapon than Truth. No other could have succeeded. The Sword of Truth is the only weapon with which Jacobinism and calumny can be successfully encountered: but it must be used for the purpose of attack, as well as of defence. It must not only disperse the falsehoods with which innocence is assailed; but it must also lay open the disguise assumed by the enemy, and it must expose him, in his true character, to the detestation of mankind. This is, indeed, an odious task, and it disgusts or deters those who, through indolence or false delicacy, flatter themselves that moderation will afford them protection in such a conflict. But what can moderation do against a foe whose character is that desperate activity, which is too often miscalled energy, and who hesitates at nothing to attain his ends? What can be more absurd than to expect that those, who are under the restraints of conscience, honour, and principle, and who are determined to employ no means but such as are strictly justifiable, will be able, by the aid of *moderation*, to withstand an adversary, who is under no restraint whatever, and who scruples not to em-

ploy means the most disgraceful and atrocious. Such an adversary can be resisted only by exposure, by exciting against him the merited indignation of mankind. His atrocity constitutes at once his strength and his weakness. It will render him invincible, unless it be made the point of attack; it will subject him to defeat, if it be incessantly displayed, in its true colours, to the eyes of the world. Before such an enemy moderation would be but as chaff before the wind; and to scruple, with such an antagonist, to secure all the advantages that Truth can afford, instead of moderation, would deserve to be denominated folly, weakness, and treachery.

The force of truth can scarcely be more strongly displayed than by the terror which it excites; and that terror has seldom been more clearly manifested, than by the pains which were daily and visibly taken at the late Election to prepare a mob, to drown the voice both of Mr. Mainwaring, and of all persons in his interest, whenever they attempted to speak from the Hustings. Perhaps no part of Sir Francis Burdett's conduct was so deserving at once of contempt and detestation, as his hypocrisy in frequently requesting the rabble, paid and fed at his cost, to give his antagonist a fair hearing; while, full in his sight, stood *one* of his own mercenaries, exciting them to clamour by preconcerted signals.

Let it then be remembered that the contest, in which we are engaged, is not to be maintained by an exercise of the mild and amiable virtues, the ornament of serene and tranquil times, but that it demands rather the exertion of those which constitute the bold, manly, and resolute character. We must indeed use none but lawful weapons; but we must use them with dauntless intrepidity, and upon a system of vigorous offence. Whoever, in short, would vanquish the desperate foe, whose triumphs have already covered the earth with desolation, and who is now seeking to improve every occasion, that British freedom affords him, to involve this happy country in anarchy, must imitate his activity, determination, and perseverance. Let the advocates for moderation say why these qualities should not be displayed—as well in a good cause—as a bad one? Why they should not be exerted—as well for the preservation—as for the destruction of all social establishments? The history of the last fifteen years demonstrates that they afford the only chance of preserving whatever remains of those establishments; and having been once called forth successfully on an occasion which, though apparently local, really involved the most extensive and important interests, Heaven grant that they may continue to be displayed, in defence of this last Strong-Hold of social order and national independence!

But

But from existing evils, and justly apprehended dangers, the country is entitled to all the protection which the law can afford; and when that protection is inadequate, its inadequacy confers a just claim to the interference of the Legislature. That the existing laws are insufficient to prevent an Election of Knights of the Shire, from being converted into a most dangerous instrument of hostility to the Constitution, the county of Middlesex has, twice within two years, borne awful testimony.

It is a considerable draw-back from the inestimable value of the popular part of our Constitution, that Elections of Members of Parliament are frequently made occasions of tumult, riot, and debauchery; insomuch that the licentiousness and profligacy which often prevail at those times, and the lasting injury which is thereby inflicted on the morals of all classes of the community, are considerations, which impel every reflecting mind to rejoice that such occasions do not more frequently occur. But the proceedings of which the county of Middlesex has to complain are of so mischievous a nature, that some security against their recurrence seems essential to the preservation of whatever we hold most dear. In that county, not merely have the populace been excited to tumult and outrage, in behalf of a popular candidate—of whose merits they are never qualified to judge—

but

but the inferior orders have been universally inflamed and exasperated against the laws, the magistracy, the justice, and the government, in such a manner, that they were ready to follow any leader who could have conducted them to the demolition of gaols, the destruction of Magistrates, and the utter subversion of the existing order of things. In that county a systematic attempt has been twice made, in the course of two years, to render the forms of election subversive of its rights, and, by means of the most gross and flagrant perjury, to overwhelm those laws which, till then, corruption had sought only, in a covert manner, to evade. In the first instance it was clearly proved that no resistance can avail against such an attempt, when favoured by partial and corrupt returning officers; and, in the second, though destitute of that advantage, yet the foul conspiracy was so nearly successful---its defeat was attended with so much difficulty---and the issue was, to the last moment, so precarious---as to afford complete demonstration of a truth highly deserving the consideration of the legislature; that, as the law now stands, *returning officers at an Election, however virtuous, vigilant, and active, are not armed with sufficient powers to secure the rights of real Electors from being swallowed up by fictitious and perjured Voters.* The extreme defectiveness of the powers of those officers must, indeed, be obvious to every one, who-

who, without adverting to the lamentable and alarming events which have recently occurred, in the above unhappy county, gives the important subject a moment's consideration. A mere breach of the peace—a common assault---will authorise, not merely a Magistrate, or a Peace Officer, but any by-stander, to secure the person of the offender, and deliver him up to justice; but Perjury, which renders the life of every man unsafe, by invalidating that appeal to the Searcher of Hearts, which gives to the laws their protecting force, and invigorates the arm of justice;-- Perjury, which destroys that respect for truth, which is the bond of confidence between man and man, and the very essence of virtue;---Perjury, which aims at the very existence of society, by extinguishing in the human mind all reverence for the Deity, and consequently all sense of religion, without which, as even atheists have allowed, society cannot exist;---this most destructive and impious crime---the promoter and the patron of all other crimes—and to which an election affords the utmost temptation---may be comitted at an election, in the most flagrant manner, and neither the returning officer, nor any other person, has power to detain the criminal, or to make him give security for his future appearance to answer the charge. Before the person of the offender can be touched, the Grand Jury must have found a bill of indictment against him; and

them

then, as he has most probably given in a false name and description, he is not to be found. Surely it would be disrespectful to the legislature to doubt that so glaring and lamentable a defect in our laws, even if only the rights of election were concerned, will speedily be corrected by some salutary and efficient remedy.

But it is impossible for any one, who is solicitous for the public order and safety, not to wish that some remedy may also be devised to preserve the first county in the kingdom, and the metropolis in the heart of it, from being again convulsed, by means of an election, for fifteen days together, as it has repeatedly been since the dissolution of the last Parliament. This, too, is an object in which, not merely the Freeholders of Middlesex, but all the inhabitants of the Kingdom, are deeply interested. Whatever tends to collect that immense and formidable mass, the populace of a vast, an overgrown, and a dissolute capital, should, for obvious reasons, be most carefully avoided. But when that mass is collected from day to day, during a whole fortnight—when the artisans are drawn, during so long a period, from their various occupations, to the pursuit of some common object, be it what it may---when that object is rendered particularly interesting, by its public and political nature---when those swarms of criminals, which ever infest a large

city, and which are numerous and daring in proportion to its bulk and licentiousness, are inspired, by such an assemblage, with hopes of unrestrained rapine---and when the minds of all are maddened by the most inflammatory topics, that the most desperate demagogues can address to their respective feelings---then has even the remotest corner of the kingdom just cause for alarm. By such a paroxism, fraught with immediate danger to the whole community, and tending, even after it had subsided, to the most serious consequences, has the county of Middlesex been lately agitated, for the second time, in the course of two years; it still trembles from the repeated shocks; and every inhabitant of it, who is not an enemy to quiet and repose, shudders at the thought of its being again so convulsed. And yet to such a paroxism it may again be exposed, not merely by another general Election, but by the result of a petition, or the death of an individual. Let it not be supposed that to guard against the return of so great an evil, would be to sacrifice or endanger the free exercise of elective rights. Those rights, on the contrary, would derive additional security from a preservation of public order and tranquility in times of Election. And, in every point of view, the Constitution would derive stability from regulations which, by preventing Elections from being scenes of

of tumult, outrage, corruption, and perjury, should secure to real Electors the orderly, tranquil, and exclusive enjoyment of their valuable franchise.

I am, &c.

AN ATTENTIVE OBSERVER.

THE END.

J. Hales, Printer
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